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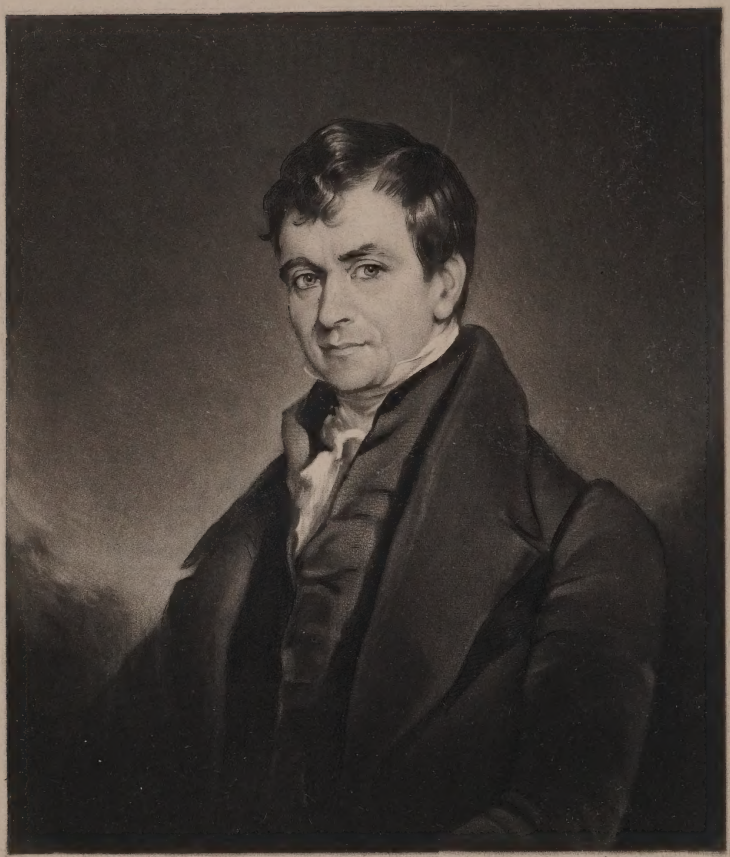

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most affectionately

Wm. Sullivan

THE

PUBLIC MEN

OF

THE REVOLUTION.

INCLUDING EVENTS FROM THE

PEACE OF 1783 TO THE PEACE OF 1815.

IN A SERIES OF LETTERS.

BY THE LATE

HON. WM. SULLIVAN, LL.D.

WITH A BIOGRAPHICAL SKETCH OF THE AUTHOR, AND ADDITIONAL NOTES AND REFERENCES BY HIS SON,

JOHN T. S. SULLIVAN.

"There have been in the world but two systems or schools of policy; the one founded on the great principles of wisdom and rectitude: the other, on cunning and its various artifices."—JOHN JAY.

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DEDICATION.

TO YOU,

MY DEAR MOTHER,

THIS EDITION OF THESE LETTERS IS DEDICATED,

As an earnest of a son's gratitude for a parent's untiring devotion and affection, and as a token of the esteem he cherishes for the virtues and Christian fortitude you have ever exhibited, through years of mingled joy and affliction. These letters, from the pen of one whom you so faithfully "served, loved, honored and kept" through a life devoted to laudable ambition and the conscientious performance of his duties, refer to events, many of which must be within the scope of your memory. If, in the additions I have ventured to annex, yet not without misgivings as to my ability to enhance the value of the work, some pleasing remembrances should be revived to you, I shall be more than repaid for the labor they may have cost

YOUR SON,
The Editor.

PHILADELPHIA, *June* 1, 1847.

PREFACE

BY

THE EDITOR.

Not until the exasperated feeling of opposing political parties has been assuaged by time, and new divisions have arisen, can the leading measures and the prominent men of those parties be judged of without bias. The time has arrived, it is believed, when we may scan impartially the events of the period embraced in these letters. The measures adopted by the conflicting administrations of those years, have been fully tested. The effect of such as have survived the changes of party revolutions, is now felt and known, and exercises a prominent influence upon our political and social condition; whilst other measures, and the wise and good men who upheld them, are condemned as *federal*, by persons who are ignorant of the origin, design and character of *Federalists*. It is due to the worthy patriots and disinterested statesmen who composed that party, that their motives should be known, and the principles they advocated understood. It was to this end that the author wrote these letters; it is to this end that they are now republished to the world by his son,

THE EDITOR.

Philadelphia, *June* 1, 1847.

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INTRODUCTION

BY

THE AUTHOR.

Towards the close of his life, Mr. Jefferson prepared statements, seriously affecting the motives and conduct of a numerous class of his fellow-citizens. He intended to have these statements *published after his decease.* He seems to have expected, that they would be received as historical truths, proceeding from *high authority.*

If Mr. Jefferson had stated *truths* only, all who know the value of sound historical information are under great obligations to him. If he has stated "*false facts,*" (as he calls them,) without intending to do so, he has increased the well-known difficulty of arriving at certainty, as to the past; and his labors are worse than useless. If he has stated what he *knew* to be *false,* he has abused public confidence, and has dishonored his own fame.

As most of those citizens, of whom he speaks reproachfully, have become, like himself, insensible to earthly commendation or censure, is it too soon to inquire, in which of the above-mentioned relations Mr. Jefferson should be viewed?

It would be doing, it is hoped, great injustice to the American public to assume, that they are incompetent, or unwilling, to judge calmly and justly of historical truth, whatsoever it may prove to be, or whencesoever it may come.

But, if the men of this day are so near to that time in which Mr. Jefferson was a conspicuous political agent, that prejudices must prevent a calm and righteous judgment, then the same posterity, to which Mr. Jefferson confidently appeals, must judge of him, and of those whom he has attempted to consign to their reproach and contempt.

According to the words of an able writer, "the views and principles" of Mr. Jefferson's political adversaries are to be known by "a comparison of a series of their discourses and actions." Mr. Jefferson is to be known, not "from his speeches and actions," but "from the whole tenor of his language and conduct."

These "views and principles," and this "language and conduct," are set forth in the following pages, "for a reasonable length of time;" that is, throughout one-third of a century.

The form adopted is, *familiar letters*, as these are better suited to the purpose than the ordinary form of History; and because these admit of personal descriptions and particular illustrations, which the "Memoirs and Writings of Thomas Jefferson" make indispensable.

Boston, *April* 20, 1834.

PREFACE

BY

THE AUTHOR.

Some cautious, sensitive persons disapprove of all inquiry into *Mr. Jefferson's* claims to gratitude and admiration. They acknowledge such sentiments to be due to men who, from good motives, achieved illustrious deeds; and who forgot *self*, in devotion to the *public*. These persons are not supposed to maintain, that men who misunderstood or who perverted their trust, are to be ranked with men of the first class. But they suggest that, if inquiry be made into Mr. Jefferson's pretensions, the people may take it ill, and that there must always be danger in startling ancient and deep-rooted prejudices.

The fear of startling prejudices may be a cogent reason for persisting in the divinity of oracular responses; for continuing in the faith, that birds were commissioned to foretell the fate of armies; and for persevering in search after the will of the gods, among the entrails of a bullock. But, in these days, reason and common sense are supposed to have some ministry in the human mind. One may venture to pay the tribute to the American people of believing, that they can arrive at and value *truth;* and that having the right and the duty of ordering their own welfare, they can and will justly estimate the means of accomplishing that purpose. We have no design to shock any one's prejudices.

We are not dealing with Mr. Jefferson as an individual. We "war not with the dust." With Mr. Jefferson's principles and example, *as an expounder of the constitution*, every free American is deeply concerned; and, if Mr. Jefferson has been unjust to public benefactors, every American is interested that his errors should be made known.

If the maintenance of constitutional liberty be the object, there may be those who think any effort of this nature profitless and vain. They may be of opinion, that the sovereign people will not believe constitutional government to be a restraining power, intended to prevent the wrongs which they can do to each other, and authorized to protect *itself* against their own illegal assaults. The people will not be convinced, it is said, that their peace, prosperity and freedom depend on the strict observance of laws. They cannot know when they are well or ill governed; and rather prefer, if they could know, the ruling of cunning and deceitful flatterers to that of wise and honest men. We are reminded of the rebellions and of the near approach to despotism, within the last fifty years; and how all combinations of citizens, however originating, resolve themselves into political parties, and seek power by perverting the right of suffrage. We are reminded, also, of the gradual decline in the character of public authority, and of the striking contrast between the personal worth and dignity of some who have ruled, and of some who do rule. Then the future is looked to, with fearful apprehension, and it is asked, whether, as numbers increase, and the American people are farther and farther removed from the influences of the revolution, there can be any reasonable hope of preserving civil liberty?

To all such suggestions it may be answered, that any government, except mere despotism, implies difficulties and contentions; and the freer it is, the more will these abound. Yet our government can be kept within constitutional rules, or soon brought again within their limits, when it has transgressed them. But this supposes watchfulness and intelligence, and a keen sensibility to encroachment. Such qualities our citizens have shown, to an

extent sufficient to preserve civil liberty so far; and it ought not to be doubted, that they will continue to do so. The real character of the government, however, has not always been republican; it has sometimes been republicanism fashioned by democratic despotism. Our rulers will generally arise from a certain sort of numerical power. The art is well understood of making dominion out of the fears, prejudices, and pride of that power. There will always be the sympathy of identity between that power and the rulers which it selects; and these rulers will be worshipped, because worship is self-gratulation. This is the true secret of the homage rendered to Napoleon, to Mr. Jefferson, to Andrew Jackson. But this is a natural delusion, which positive suffering can dissipate. As all such rulers inevitably tend (the world over) to despotism, the *turning point* will be, whether the majority can be made to feel actually existing despotism in time to crush it by peaceable election, and before its strength renders opposition vain. We incline to think, that liberty will often be in peril; but that intelligence, virtue, and *interest* will again and again combine and rescue it from the grasp of its pretended friends.

It is proved in this country, rather than in any other, of any time, that as society moves onward under its natural propensity to improve, intellectual power takes the place of physical force. It is *here*, therefore, that all are interested to give to this power a useful direction; and rather are the wealthy and exalted, than the poor and humble, interested, that all should be well informed. Ambition does not choose for its birth-place the palace in preference to the hovel; and in a free country it will not be idle. Like the richest soils, rank with noisome and poisonous weed when unsubdued, it will, if left to itself, deform society with infidelity, perversion and crime. By promoting the means of intellectual, religious, and, consequently, of moral culture, it may possibly come to be a generally admitted truth, that *public life can be neither honorable nor profitable to the individual, when not honorable and useful to the public.*

There may be much of speculation, but no settled opinion on

the point, whether the Americans have a better or worse hold on civil liberty, at this day, than they had at the beginning of this century. It might have been expected, that their institutions would have obtained solidity by use and precedent; and that the enjoyment of freedom, such as was never before known, would have made that freedom precious to every mind, capable of understanding its value. But Americans have too much freedom to have occasion to consider what it is; just as one, who never felt the weight of a chain, finds a silken thread intolerable. They have even sometimes gone so far as to renounce the guardianship of their liberty, and have appointed *masters*, and think it freedom to render homage to them. This is discouraging. But yet it is believed, that Americans will preserve civil liberty; not through *virtue* and *intelligence* alone, but through these and the conservative power of INTEREST; and through interest, because the American institutions are distinguished from any others, in having a renovating principle, which can be applied at will, without violence; and without any shock to the established order of society, but that of dismissing a dominant faction, and establishing a wise and constitutional policy. This is revolution; but it is tranquil and peaceable. Something of the same nature is seen in the English government, in the power to change a ministry. Thus virtue and intelligence, the dictates of interest, and the provisions through which interest may operate peaceably and justly, lead to the belief, that constitutional order and tranquillity can and will be preserved.

But the republic cannot be eternal; that unsparing innovator, *Time*, will surely bring it to an end. Will it be by *military usurpation*? No case is now foreseen, (such is our fortunate position on the globe,) in which any man can have so numerous and devoted an army, as to make himself a despot, while the people are wise enough to train themselves to the use of arms, as *militia*. Will it be by *exciting and corrupting a craving populace*? There can hardly be such a class in the United States. Commerce, agriculture, and universal industry, bringing comfort and inde-

pendence, unknown to ancient republics, preclude the existence of such class in such numbers, as to endanger the public safety. It must be yet a long time before there can be so many who have nothing, and who can acquire nothing, and who can be attracted into combinations by a sense of oppression, that the ordinary powers of government, aided by the force of public opinion, cannot control them. Will it be by *civil usurpation?* This cannot advance far, without touching the *interests* of a majority, sufficiently to arouse them to a sense of their danger. If they do not discern the wrong before it reaches their *property* and *daily bread*, they will feel it *then*, and will help themselves to a peaceable constitutional remedy.

Mr. Jefferson would certainly have lost the popular favor, in consequence of the privations and miseries which he imposed upon his countrymen, if he had not so intermingled foreign politics as to make it believed, that the *honor* of the country was involved in his measures. So Mr. Madison would have lost his popularity, from the distresses of the war, if a majority had not been disciplined to feel, that the war was a necessary and patriotic policy. Both these Presidents foresaw consequences, and retraced their steps.

It will be seen, that the nearest approach to despotism was during the presidencies of Mr. Jefferson and Mr. Madison. Legislative and executive power were then in perfect harmony. In nearly all the states, there was equal harmony between like powers, and close sympathy between these and the powers exercised by the national government. But there was an *opposition*, which comprised a major part of everything which government is instituted to protect, computing in any manner but by heads. This opposition and the judiciary saved the country from greater calamities than those which it endured. It is by no means intended to suggest, that either of these magistrates intended *despotism*. Neither of them had any such design. But if either of them had gone but little further, he might have glided into ab-

solute dominion under the full belief, that he was sustaining republican liberty by silencing its enemies.

There are some dangers peculiar to this country, and among them *civil war and disunion*. When and in what form this danger may present itself, it would be presumptuous to conjecture. There has been a recent excitement of this tendency, but it served only to cause an estimate of the value of the union, and to fix it more firmly in the reverence of the people.

In a land so free as this, an incessant struggle for power, both from *good* and from *bad motives*, must be expected. There will be perverse legislation, corrupt and wicked management, blind devotion to party, and instances of flagrant usurpation. Americans have no *patent right* in the matter of government, nor any better assurance than other nations have, that wisdom, virtue and disinterestedness will always govern their country. Their constitutions are better than those of any other country, but they are to be administered by *men*. It may often require the best efforts of such minds as now adorn the Senate of the United States, to discern and declare where the constitution was *left*, and to aid the people in replacing it on the solid foundation of their respect and affection. But such events may recur again and again without the final loss of republican liberty.

Good as the constitution is, it is not now the same admirable product of human wisdom which it was, when first presented to the American people. It was then an illustrious commentary on the experience of past ages;—an unprecedented system, whereby to obtain all the good, and prevent all the evil, which arise from man's strength and weakness, virtue and vice, whether regarded as an individual, or combined in society. It was no less honorable to the people to have adopted this system, than it was to have conceived, prepared, and to have offered it.

That part, which may be supposed to have engaged the attention of the framers most intently, was the executive power. It was so guarded as to prevent to the utmost, the elevation of a mere popular favorite; and to inspire the *chosen* with a proper

sense of responsibility, not to a *party*, but to a *nation*. Under the influence of Mr. Jefferson, it was so *amended* as to convert the dignity of the presidency into a commission to superintend a continually recurring scramble for favor and reward. This is the most lamentable of all Mr. Jefferson's errors. All others may be transitory; this will be permanent. For, if a majority concur in the necessity of amendment, they will not concur in what it shall be; much less will they restore the Constitution to its original excellence. If executive patronage be not always a corrupting and debasing machinery, it will be otherwise only by choosing presidents who have too much wisdom and conscience to make it so.

Closely connected with civil war and disunion is the question of *slavery*. A most unfortunate delusion has arisen, founded partly on hostility to the principle of slavery, (a principle which, in the abstract, no reasoning can sustain,) partly on disregard of the true nature of the negro, partly on mistake of the common sentiment of all classes of society, but more than on either of these, on the error, that *the condition of the negro can be bettered by general manumission, in a land where white population hold the political power and the physical strength.* This is a subject full of fearful apprehension, so long as philanthropy so entirely misapplies itself, in territories where slavery does not exist, as to attempt to govern within territories where ages have interwoven slavery with all the desired objects of life. It is already seen, that this matter resolves itself into a question of mere *interest;* and no teacher is needed to make known, that the next door neighbor to *interest* is *force;* and that this will surely be called in, when interest finds itself presumptuously assailed. What sort of philanthropists must they be, however amiable their motives, who propose to intelligent *masters* voluntarily to exchange condition with their *slaves!* The restoration of the colored to the regions which their Creator originally assigned to them, by colonization, is a matter of very different character from that of "*abolition.*"

There is one danger to national security and to republican institutions, which is daily becoming more and more obvious. It will be seen in the following pages, that Mr. Jefferson introduced this danger. It cannot be a long time before Congress will be called on to provide an effectual remedy. State legislatures cannot perform their duties until Congress comprehends and performs its duty. Certainly the citizens of the United States will not much longer confer office on men who are willing that their land should be a home for the vice and pauperism of Europe; and perhaps subjected, (by the mere exercise of political privileges,) to foreign dominion.

One must be very assuming to foretell the condition of this, or any other nation, on general principles; but he may be allowed to make some deductions from experience. Thus it may be inferred, that in a country so extensive and varied as this, no fatal heresy will be *universal*, at the same time; and that no man can acquire, and long retain, a dangerous popularity. There will be, no doubt, alarming excitements in one or more states; but the strength of the federal government, powerful majorities in all other states, and strong minorities within the limits of the excitement, will parry the threatened evil till good sense returns. When the federal government transcends its limits, state authority will interpose salutary checks; and there will always be diligent and zealous minorities, in the federal government, to warn the people of their danger. Above all, there will be a *pervading sense of safety and utility in the* UNION, which no member of the confederacy will be seriously disposed to relinquish, as the inevitable consequence must be foreign alliance, and a return to colonial dependence.

The multiplication of states will be no evil. Each one containing a sovereignty in itself, breaks up one great whole into harmonious parts, and makes the great difference between the American and Roman republics. In the latter, Rome was the empire; whole countries, appendages. In like manner, this country is distinguishable from modern France, which is a sort

of republic with a king for its chief; but France must always be restive and turbulent while Paris is all France and all of France is Paris.

Vast as this country is, its remotest parts will not be strange to each other. Commerce, enterprise, mutual wants and dependence, facility of intercommunication, and the daily messenger, *the press*, will soften and wear away prejudice, the child of ignorance. The variety of religious sects will promote religion. As no one of them can strengthen itself by alliance with civil power, intolerance is deprived of its weapon, and will rather be useful than mischievous.

The American community may have some analogy in its progress to the seeming evils of the natural world. Vesuvius is not *always* casting forth its lava; it gives time for the verdure to return, and for human habitations to rise again, over the path of its desolation. A small portion of earth, or ocean, is exposed to the rage of any *one* tempest. Epidemics, by some unknown law, have their times and places; and though their existence anywhere may sometimes awaken anxiety everywhere, they do not wrap the whole world in gloom at the same moment.

Those who are about to close their eyes on all earthly scenes need not, as we humbly conceive, to despair of the fate of their descendants. There is hope enough that their country will go on as well as the lot of humanity will permit. Certainly, such hope should be cherished; for when the present institutions are broken up, no power but that which can still the face of ocean, can compose the political and social relations of Americans *anew*, in any similitude to rational freedom.

Boston, *Nov.* 1, 1834.

BIOGRAPHICAL SKETCH

OF THE LATE

HON. WILLIAM SULLIVAN.

John Sullivan, a gentleman of liberal education and of cultivated manners, about the year 1730, came from Ireland, and settled at Berwick, in the District of Maine. The ship in which he crossed the ocean, was driven by stress of weather into some port on the coast of Maine, so that he fixed his residence in that part of the country, more from accident than design. He lived in a retired manner, devoting his time to the education of his children, his two sons, and died at the advanced age of one hundred and five years. These two sons, a third having died, survived him. They were named *George* and *James*.

George, the elder of the two, was afterwards a major-general in the Revolutionary army, and, at successive periods, President of New Hampshire, and Judge of the District Court of the United States. He died leaving one son, the late *Hon. George Sullivan*, for many years attorney-general of that state, who departed this life on the 14th of June, 1838, at Exeter, N. H., in the 65th year of his age, leaving two sons. For a more minute sketch of his life, the reader is referred to the obituary notice contained in the July number of the Law Reporter, 1838.

James, the other son, was born at Berwick, April 22d, 1744. He was educated by his father, and under the guidance of his elder brother pursued the study of the law. A biographical notice of him may be found in the LI. Letter of this work. He

died while Governor of Massachusetts, Dec. 10th, 1808, leaving five sons and one daughter. The eldest son died. *William*, the author of these Letters, was the second son.

William Sullivan was born at Saco, in the District of Maine, on the 12th of Nov., 1774. He was fitted for college under the care of the Rev. Dr. Phillips Payson, of Chelsea, near Boston, at a period when it was customary for clergymen to receive the sons of gentlemen into their families to initiate them in the rudiments of classical learning. He entered Harvard University in 1788, and was graduated with the first honors in 1792. He afterwards studied law in the office of his father, and was admitted to the bar at the July Term of the Court of Common Pleas for the County of Suffolk, Mass., in 1795.

During this year he made a visit to Philadelphia, and here formed acquaintance with many of those who subsequently rose to the highest distinction in the country. Many of the reminiscences recorded in these Letters were derived from this visit, and were made from personal knowledge and observation. On his return to Boston, he became engaged to Miss Sally Swan, whom he subsequently married. After his marriage he devoted himself most arduously to self-improvement and to his profession. It was his habit to rise at four o'clock in the morning, and to apply his attention to the study of languages and literature, until the hour for business called him to his professional duties. He thus acquired that taste for intense application, which never deserted him during his laborious life, and led him gradually into those sedentary habits which undoubtedly conduced to shorten his days.

He commenced his professional career at a most fortunate period, when the tide of prosperity, which had been turned by war from the Old World, had begun to rise in this. Everything was comparatively new and exciting. Wealth rolled into the country through the channels of commerce, which the intelligent and far-sighted judiciously invested, and built up those princely fortunes, in some instances still to be seen, but which may not, perhaps, soon again be equalled. Possessed of capacity and

industrious habits, combined with graces of manner and person, Mr. Sullivan soon became a favorite with the prosperous merchants of that day. Liberality was the spirit of the times; patronage was mutual, and professional services were more highly valued, certainly more liberally rewarded then, than they are at present. The profession was not so numerous, nor the competition so great; and its members, uniting a sense of honor with respect for merit, not only rose above the low arts of undermining and supplanting, but awarded to learning and talents their just and appropriate meed. Mr. Sullivan, having inherited a munificent and hospitable spirit from his father, who was equally distinguished for talents and laudable ambition, had the power, at an early period of his professional career, and the taste, to impart to social intercourse a full proportion of its zest and attractions. He habitually entertained his friends, and the strangers visiting Boston, in the most liberal and hospitable manner. He never allowed his professional duties, multiplied and arduous as they were, to interfere with a proper attention to the social obligations of life, which he ever held to be as imperative as his duties to his clients. It is a great pity that this spirit and devotion to social intercourse have been permitted to languish among the professional men throughout this country. There is a cause for this change, but it may not be appropriate to this sketch to discuss it. The fashion of the present day lamentably exacts a splendor and display in entertainments, which far exceed the means of all except the opulent. The *heart*, in its liberal sense, has been sacrificed to gaudy exhibitions of the *purse*, which only serve to awaken the vilest passions of envy and low ambition.

The author of these Letters was six feet tall, very erect, and in his gait dignified and reserved. No one, saving his own family, ever approached him familiarly. His manners were those of the old school, now almost extinct, and he could more deeply wound with a formal bow, than many men, less dignified, with a blow. He used to say, that dignified civility, based upon self-respect, was a *gentleman's* weapon and defence. In private life he was

the most devoted of husbands, and the most affectionate of fathers. He delighted to have his family about him, and to see them happy. Oftentimes he would steal an hour from his professional duties, to remain after dinner with his children at the table, where agreeable conversation, song and anecdote softened the cold realities of life, and united more closely the natural ties of affection which bound his circle together. He was attentive to the education of his daughters, and many of his works were originally written with a particular view to their instruction. A gentleman, intimately acquainted with the author, in speaking of him, said, "His manners among his friends and intimate associates were very delightful. He was not forgetful of himself, nor unaware of his talents for conversation; but his habitual kindness of feeling, and the natural nobleness of his character gave him, in a very unusual measure, the power of calling out from his guests whatever there was in them, which was most interesting; and many a person has left his table with the feeling, that although he might elsewhere have seen men who talked more, he had never been himself so agreeable. Mr. Sullivan never forgot a friend, nor failed to requite, with ample interest, any kindness. He considered the relatives of his friends as having claims upon his attention, and measured their claims by that high standard, so nearly allied to the perfect Christian,—not what was really due them, but what they might be expecting, or hoping, that he would consider due. He accordingly sought out, and was constantly entertaining at his table, or in the charming evening parties which he gathered in his parlors, persons from various parts of the country, whose only claims to this notice was some slight attention paid, perhaps many years before, to Mr. Sullivan or to some of his friends." His habits were simple and regular. He possessed extreme pride of character, and never deviated from a certain course of conduct and demeanor, which secured to him the esteem of friends, and the respect of all who came in contact with him, both in public and in private life. He was a strictly moral man; and was in early life, and so continued to be, a member and communicant of the

Stone Chapel, formerly the King's Chapel, the first Episcopal Church of Boston; nor did he leave that church, when, under the pastoral care of the late Rev. Dr. James Freeman, it became the first Congregational Unitarian Church of the world. The fruits of his belief in Christianity were visible, not only in his social intercourse, and in his public career, but in those secret charities, which remained unknown, until the widows and orphans, whom he had privately succored and aided, after the announcement of his death, came to pay their last tribute of tears and gratitude to the remains of their benefactor.

The author of these Letters lived during the most exciting political period our country ever saw. It can scarcely be conceived now, to what extent a difference in political opinions estranged men, who had been intimately associated theretofore. It was a period of great interest. The foundations of the old European governments were disturbed and broken up. Many sources of contention existed between England and this country, while our relations with France, then undergoing the change of new systems, became from time to time threatening and severe. At home, the country was divided into two great political parties, the *Federalists* and the *Democrats*, whose zeal for their respective causes engendered the bitterest feelings of animosity, particularly in the New England States. The administration of George Washington had been succeeded by that of John Adams, who certainly disappointed the Federalists in many respects; this administration was followed by that of Thomas Jefferson, whose whole course exhibited the most determined and settled hostility to all Federal measures, and to that view which the Federalists took of the constitution, as contemplated by its framers. While Jefferson's adherents warmly upheld and defended the principles and doctrines promulgated by their leader, the Federalists as warmly denounced and condemned them. All was excitement. Mr. Sullivan was a Federalist, his father a Democrat. This variance of political creeds threatened for a time to disturb their intercourse permanently; but reflection soothed the rancor of

partisanship, and they were saved from such distressing consequences. He, being a prominent person of the party, was brought into contact with all the best men among the Federalists, and although he never appeared in Congress as their champion, being obliged to decline successive invitations to be a candidate, owing to duties that detained him at home, yet he was their counselor and friend, and to judge from the words of the living, and the letters of the dead, was much esteemed and respected by them.

The war with its embargo under Mr. Madison's administration fell so oppressively upon New England, that the majority of the people were forced to do something towards alleviating the general distress. The Federalists were, and had been opposed to the war, and to them all eyes were turned for some remedy,—some step of a public character, expressive of disapprobation, as well as remedial of the universal ruin of Madisonian measures. The Hartford Convention was the result. That convention, so frequently condemned by politicians who know not even the origin of Federalism, much less the designs of the men composing that honorable body; that convention, consisting of the purest patriots, the ablest statesmen, and the most disinterested of men, was intended only as a meeting, at which the views of the States respectively should be heard, and such steps adopted as were best calculated to bring relief, or, at least, to make known to the general government what the wants of New England were. If calm deliberation upon the public condition of a portion of the country, oppressed by certain measures of the government, be treasonable, then is Liberty robbed of her choicest blessing, and Freedom of her only shield. Of that convention Mr. Sullivan was not a member, but he was cognizant of all preliminary and subsequent measures, and was sent with Harrison Gray Otis and Col. Thomas Handyside Perkins, as a committee from Massachusetts, to bear to Washington the protests and resolves of the legislature, based upon the convention's report.

Mr. Sullivan, in the year 1803, pronounced the oration on the

anniversary of our national independence at Boston. The impression he made on the occasion led to his election in 1804, as Representative of the city in the General Court of the State. He remained in the legislative halls, sometimes as senator, sometimes as representative, and at other times as member of the executive council, until the year 1830. During these years he was frequently solicited to become a candidate for congress, but he invariably declined a nomination, owing to his duties at home. As a politician he is universally believed, and by many known to have been as pure as man can be. His attachment to his party was the result of mature deliberation and pure patriotism. He dreaded to the last the dire results of Jeffersonism; not from any party rancor, but from a conviction, that unless checked by the sober second-thoughts of the people, they would divert the objects of the constitution. He feared the people, while they could be so easily guided and influenced by leaders, whose selfish interest in the success of party, would tempt them to deceive and blind their constituents. But it was only while they were ignorant, and, in consequence of their ignorance, liable to become the blind instruments of wily demagogues, that he had any fear of the action of the people. He had confidence in an educated and intelligent people; and he clearly saw that the permanence of our institutions, and much more, our advancement in what constitutes the real greatness of a nation, must depend on the education, the intelligence and the virtues of the mass of those who held the power. During all the latter part of his life he was, therefore, warmly and actively engaged in popular education; to its furtherance he gave a great portion of his time, and it is a prominent object of several of his publications. One object of these Letters was to exhibit the evil of blind partisanship.

The ambition for political distinction too often diverts the young lawyer from the study and pursuits of his profession. In this country, the necessity of the case compels him, in most instances, to commence practice before he has acquired an exact and profound knowledge of its principles. But the taste for study is too

often lost amidst the political strife of party. This, however, was not the case with the author. He devoted himself most assiduously to his profession, and became an able, well-read lawyer. Not only was great trust deservedly reposed in him, but in many cases he was entitled to the praise of eminent ability. Few exceeded him in research, none excelled him in thorough, conscientious preparation of his causes. His name is of frequent occurrence in the volumes of the Massachusetts Reports. His argument for the claimants in the case of the *Jeune Eugenie*, before the Circuit Court of the United States at Boston, December, 1821, reported by Mr. Mason, and published in his Reports, is a favorable specimen of his ability and research. His eloquence was interesting and persuasive, always graceful and subdued; but he never was of the highest order of advocates, like *Samuel Dexter*, as represented to have been, among the dead, and *Daniel Webster*, who still lives to adorn the senate chamber of the nation, as well as the bar.

Although, at a late period of his life, Mr. Sullivan relinquished the practice of the law, yet he failed not to take a deep interest in what concerned the honor of the profession. He was for many years engaged in establishing rules to regulate the social and professional intercourse of the Bar of Suffolk. He was for many years their President, and presided, also, over the Social Law Library Association, which was formed under his auspices. He presided at their meetings, whether for social enjoyment or for business, with a grace and dignity, which always inspired the members with mutual respect and courtesy. In 1824 he pronounced their anniversary discourse, in which he gave a minute history of the origin and growth of the profession in the State of Massachusetts. It was published. He was one of the committee with the present Chief Justice Shaw, who prepared the charter for the city of Boston. Believing, as he did, that a well-regulated militia is the defence and ornament of a republican government, and that, with the decline of military discipline, the people lose much of the spirit of liberty, he consented to accept the office of

Brigadier-General of the militia, in order to sustain its failing honor. His example and talents produced salutary effects, still visible throughout his State.

His style of writing was simple and clear, full of anecdote, and oftentimes conversational. His fugitive pieces to newspapers, journals and reviews were very numerous. He delivered many courses of lectures before the charitable institutions and literary associations of his native city, for the improvement of their members, and with the design to cultivate, as far as he could, a taste for science and literature among the young.

He delivered the discourse before the Pilgrim Society at Plymouth, December 22d, 1829, which was published. He delivered the discourse before the Massachusetts Society for the Suppression of Intemperance, May 23d, 1832, which was published at the request of the Society. This discourse contains a brief history of the Society, which was formed in 1805, under the name of the "General Association in Massachusetts," and was the first step in the great temperance reform. Samuel Dexter, that gifted citizen and distinguished lawyer, was the first President, and warmly aided the cause until his death.

In January, 1837, Mr. Sullivan published an exceedingly valuable book, addressed to the Rev. Ed. T. Taylor, minister of the Mariner's Church, Boston, at whose request it was made known through the press. It is entitled "Sea Life; or what may, or may not be done, and what ought to be done by Shipowners, Shipmasters, Mates and Seamen." It was highly spoken of, and did much to reform the condition of seamen in Boston. The Rev. E. T. Taylor, well known as "the sailor's parson," was first brought into notice by the author of "Sea Life," &c., who chanced to hear his voice from the Bethel, while passing in the street, and was led by curiosity to listen to his discourse. The natural and stirring eloquence of Taylor, addressed as it was to sailors, induced Mr. Sullivan to think that his preaching might be made serviceable in ameliorating the seaman's condition, which had been long neglected and unheeded. Assisted by a

few gentlemen, as philanthropic as himself, he succeeded in bringing this Bethel into notice, and by a proper perseverance, finally had the gratification of beholding a large church of solid materials erected for Taylor and his sailors, and a society formed for their protection against "landsharks," and the fearful excesses of vice and intemperance. Much of the present reformation and amelioration of the mariner's condition in the port of Boston, was owing to the exertions of the author, which were made without ostentation, and from pure motives.

During the last ten years of his life Mr. Sullivan declined professional engagements, being only counselor for some few institutions, who were unwilling to resign their accustomed adviser. Industrious from long habit, he could not remain idle, and devoted himself, therefore, to studies purely moral and historical. He applied himself with the ardor of youth, and studied usually from 12 to 14 hours daily. To an intimate friend, who expressed his surprise and regret that he had relinquished his profession, he replied: "I believe I mistook, in my selection of a profession, the course most favorable to my happiness; for I have never been conscious of real enjoyment, or of the true bent of my talents, if I have any, until I devoted myself to literature."

He published several works of a more permanent character than those above mentioned:

1. "The Political Class Book; intended to instruct the higher classes in Schools, in the origin, nature, and use of Political Power." This was published in 1831, was subsequently translated into the French and Italian languages, and passed through many editions.

2. "The Moral Class Book, or the Law of Morals; derived from the created universe, and from revealed religion. Intended for Schools." This was republished in England, and an able review, in speaking of it, says: "The American and British public have united in pronouncing this the best manual of moral philosophy ever prepared for young minds." It was published in March, 1833, and has passed through several editions.

3. "Historical Class Book; (part first) containing sketches of history, from the beginning of the world to the end of the Roman Empire in Italy, A. D. 476." This was published in July, 1833, and was introduced into schools.

4. In 1834 the present work was published, but it has since been much enlarged, and some alterations made in the chronological order of events.

5. "Historical Causes and Effects, from the Fall of the Roman Empire, 476, to the Reformation, 1517. Published in November, 1837." This work was intended as a continuation of the "Historical Class Book," but the author pursued somewhat of a different course from that of the "part first." He herein describes the geographical position of countries, ascertains the relative situation of celebrated cities of antiquity, and while attentive to dates, and to the progress of history, he marks strongly the different eras, and the renowned actors, with more or less brevity, as suits his convenience, and his opinion of their influence. Occasionally he leaves the series of events, to indulge in more ample discussion. The reader will find in this work a valuable account of the feudal system; a condensed view of the usurpations and triumphs of the papal authority; sketches of the origin and progress of the canon and civil law, with illustrations of the advancement of arts and literature, and of struggles for political freedom in different ages and nations. The work displays learning and research, and is an evidence of the laborious habits of the author.

It was his intention to have published another volume, in which he proposed to treat of causes and effects of European nations, and their colonies, up to the present time. He did not live to complete this undertaking, but he left the manuscript of a part of this volume, which may hereafter be extended and given to the world.

During the short portion of his life which he devoted to literary efforts, Mr. Sullivan effected much to elevate his own reputation, and to instruct society. He was ambitious to effect more, but his health and constitution, by nature robust and powerful, suf-

fered from late vigils and lack of exercise, and he fell a sacrifice to protracted labor, which had engendered a mortal and most painful disease.

He died on the 3d of September, 1839, aged 64 years. His remains were committed to their final resting-place, the family tomb, in Boston, without pomp or funeral display, in compliance with his own wishes. His children and nearest relatives alone followed him to the grave, saving a few friends, who voluntarily joined the mourning family, in paying the last tribute to private worth and public virtue.

Mr. Sullivan was a Fellow of the American Academy of Arts and Sciences; member of the American Philosophical Society; of the Massachusetts Historical Society; honorary member of the Historical Society of Pennsylvania; of the Georgia Historical Society; of the New York Historical Society; of the Academy of Letters, Sciences and Arts of the *Valle Tiberina Toscana*. Harvard University conferred on him the honorary degree of Doctor of Laws, which was the more valuable, because it was voluntarily bestowed, without solicitation,—and was richly deserved. He was President of the Society for promoting Theological Education, and of numerous other societies and associations.

PHILADELPHIA, January 1st, 1847.

FAMILIAR LETTERS.

LETTER I.

Boston, Jan. 17, 1833.

The citizens of the present day find themselves to be members of a great and growing republic. They must be members, also, of some political party, if they exercise the rights and duties of citizens. They usually become party-men, without much consideration of the reasons for being on one side, or the other. Accident, imitation, or being on one side, because some one, not in favor, is on the other, are as good reasons as many can give, for the choice they make.

There is a right and a wrong in all political divisions. One side may be entirely right, and the other entirely wrong. Two opposing parties may be both wrong, in proportion as they deviate from the sound principles of the constitutions under which they live.

It is a dry and uninteresting employment to most young persons, to study out the origin and progress of the political institutions of this country. But if our republic is to continue, these young persons must know, in some way, how much it depends on them to accomplish its preservation. All modes of instruction must be attempted. Whether that intended, in the following pages, will be of use to that end, cannot be foreseen. It is the design to run through the prominent events, in this country, out of which political parties have arisen.

In 1783, and for some time afterwards, and up to the time of

the French Revolution, there were distinctions in society, now unknown. They were the remnants of the colonial relations. Persons in office, the rich, and those who had connections in England, of which they were proud, were the gentry of the country, before the war. Modes of life, manners, and personal decoration, were the indications of superiority. The commencement of hostilities drove a large portion of this gentry from the colony; but these indications continued among some who remained, and adhered to the patriot side. There was a class of persons (no longer known) who might be called the gentry of the interior. They held very considerable landed estates, in imitation of the landholders in England. These persons were the great men in their respective counties. They held civil and military offices, and were members of the general court. This sort of personal dignity disappeared before the end of the last century.

The long continued and impoverishing war had brought very serious embarrassments, public and private. One mode of relief after the war ended, was to engage in commerce. The commercial part of the community who had means, (and some of them were wealthy from privateering,) and all who had credit in England, engaged in importing English manufactures. This traffic drained the country of specie, and introduced articles of luxury, which the inhabitants needed not, and for which they contracted debts which they could not pay. Embarrassments were increased from such causes. Importations were discountenanced, and those who made them, not only made bad debts, but attracted public odium. The usual consequences of such mistakes followed. There were insolvencies, and prosecutions. These new and improvident contracts were but a small item in the causes of general distress, after independence was secured. These were far more serious and durable, as they involved public, as well as private credit.

The United States owed the heavy debt of the war. Besides this national debt, the states, separately, had contracted heavy debts of their own in carrying on the war. Towns, also, had contracted

debts in furnishing men, and necessaries for the army, especially in Massachusetts. Individuals owed large sums, the interest of which had been accumulating during the war. In the planting states of the south, very heavy debts were due to the English. These necessarily slept through the war.

When the courts of justice were again opened, and undisturbed by military movements, there was leisure to prosecute for debts. The utter inability to satisfy judgments in money, induced some of the state legislatures to enact, that debtors might *tender* any personal property, at an appraisement, in satisfaction. Thus a seaboard creditor might recover a judgment against a debtor in the country, and instead of being paid in money, or by the seizure and sale of personal property, any country produce might be *tendered*, which, not being convertible into specie, was of no value to him. This legal provision is supposed to have occasioned the prohibitory clause in the United States constitution, that no state should pass any law impairing the obligation of contracts. If this was so, the application of this clause has been extended far beyond the original design, but, undoubtedly, with most reasonable and just effect.

The complaining and dissatisfied, of the present day, may have some sympathy with their predecessors immediately after the war, who were not sufferers from wanton acts of rulers, but from necessary and inevitable consequences of having obtained their freedom. The paper currency had sunk to be almost nominal. Of specie there was but a small amount. Congress earnestly besought of the states their proportion of the sums which the Union owed; state creditors were importunate, and private debtors were vigorously pursued. Massachusetts had stood forth, foremost of all the states; and, at the close of the war, she had furnished one-third of all the effective force in the national service. This state owed, as its proportion of the national debt, five millions of dollars. It owed on its own account, and not as a member of the Union, $4,333,333. It owed to the soldiers and officers, which it had sent into the war, $666,666, making ten millions of dollars.

The resources of the state, to pay so much of this debt as was immediately payable, were only the revenues derived from importation, in the low state of commerce; and direct taxation on estates, and polls of persons overwhelmed with embarrassments; and when the whole number of polls in the state did not exceed ninety thousand.

LETTER II.

JAN. 20, 1833.

IN October, 1784, Massachusetts assessed a tax of one million four hundred thousand dollars, on an impoverished, distressed, and disheartened people. This tax, together with the number of civil suits instituted by private creditors, brought on a state of high excitement. In looking over the records of this time, it will be seen, that one lawyer instituted an hundred actions at one court. Lawyers were associated with the general distress, and were considered to be principal causes of it, merely from the performance of professional duties. In our own time, so strongly contrasted with those immediately after the war, we hear of propositions and efforts to diminish the expenses of administering justice. At that time the newspapers abounded with severe reproaches of the profession; but as these measures produced no relief, while the courts were open, the acrimony against lawyers was soon transferred to the courts. In different parts of the state, armed combinations arose, for the purpose of preventing the setting of the courts, and this object was effected in many of the counties. The militia were called out to suppress these insurrections; but there was no reliance to be placed on their aid, as no small proportion of them, if not among the insurgents, were among the disaffected. At length it became necessary for the government to declare that a rebellion existed, and 4,400 men

were raised to suppress it. The command of this force was given to Major General Lincoln, whose conduct in the execution of this trust will be hereafter mentioned.

Among the deep impressions of early days is that of the great excitement which existed at that time, and which occupied every bosom. It was expected that the insurgents would march to Boston, and attempt to liberate certain state prisoners there. All the young men were under arms and ready to be called into real service. They wore the garb of soldiers daily, and held themselves prepared to march at the shortest notice.

It fell to the lot of James Bowdoin to be Governor of the Commonwealth at this period. John Hancock, whose personal appearance and character will be delineated in some future page, had been governor from the adoption of the constitution in 1780. In January, 1785, he unexpectedly resigned. Whether he foresaw the rebellion, and chose to escape the responsibility of encountering it officially, or whether he considered himself too infirm to continue in office, may be questionable. The latter cause was assigned, and was a sufficient one. His successor, Bowdoin, was not chosen by the people, but he had the highest number of votes, and was constitutionally chosen by the senate. This is the only instance of the failure of an election, by the people, from 1780 to 1833. In the month of November, 1785, it was feared that an attempt would be made to prevent the sitting of the courts in Middlesex county, and a large number of troops were assembled at Cambridge, under the command of General John Brooks. Governor Bowdoin went to Cambridge to review them. He had no military experience himself, and was not mounted. He stood on the court-house steps. His appearance and dress, as the troops passed by him, are well remembered. He was then about fifty-eight years of age. He was a tall, dignified man in appearance. At the time of this review he was dressed in a gray wig, cocked hat, a white broadcloth coat and waistcoat, red small-clothes, and black silk stockings. His face was without color, his features rather small for his size, his air and manner quietly grave.

During the two years he was in office, the scenes of the rebellion occurred. He conducted himself with great discretion and firmness. It was said, that he was very well advised; and was confirmed, by able men, in the opinions which he sustained under very trying difficulties.* From a recent perusal of his official communications to the legislature, he appears to have been governed by a high sense of duty, and by an enlightened perception of what his duty was. Bowdoin was naturally a man of feeble health. He had been chosen as delegate to the first congress, but was unable to attend, and Hancock was chosen in his place. Bowdoin had the reputation of being a man of learning. He was the principal founder of the American Academy of Arts and Sciences, and its first president. Dr. Samuel Cooper, minister of Brattle Street Church, was the first vice-president. Bowdoin was an honorary member of several literary and scientific societies. The only writings of this gentleman, except his official papers, while in the office of governor, may be found in the first volume of the American Academy's publications.

Bowdoin's dignified and effective administration ought to have secured to him the entire confidence and gratitude of the people. This, as will be shown, was far otherwise, and after two years' service, another was elected in his place. He took no further part in public affairs. His private character was that of a strictly moral man; rather adapted to a tranquil, than to an ardent and active life. He died in the year 1790, at the age of sixty-three. He was buried with military parade, conducted by the company of Independent Cadets, which was renovated during his magistracy, and is now in possession of a standard presented by him. He had an only son (who left no child) and three daughters. His place of abode was the Bowdoin House, still remaining in Beacon Street.†

* Lincoln, Heath, Brooks, Hull and others, are supposed to have been his advisers. He consulted such men, in whose judgment and patriotism he confided, and adopted, and executed their advice with fearless promptitude.

† Since torn down, to make room for improvements.

LETTER III.

JAN. 24, 1833.

THE most accurate account of the insurrection in Massachusetts, is Minot's. It is also treated of in Bradford's respectable History of Massachusetts, second volume. All the notice of this event, which the present purpose requires, in showing the train of occurrences, may be comprised in a short space.

The frequent popular meetings, and the prevention of the sitting of the courts, having made it necessary to exert the power of the government, Gen. Lincoln, as before mentioned, was appointed to the command of a force, which he conducted to Worcester, in January, 1787. The arrival of these troops at that place enabled the court to hold its session there undisturbed. The insurgents concentrated their forces in the neighborhood of Springfield. Luke Day was at the head of about 400, and Daniel Shays at the head of about 1100. The latter had been an officer in the continental army. General William Shepherd, afterwards a member of Congress, had the command of about 1100 of the militia of the county of Hampshire. Shays was on the east side of Springfield, and Day on the westerly side of it. Shepherd, supposing it to be Shay's object to possess himself of the arsenal there, posted his troops for its defence. Lincoln directed his march from Worcester to Springfield. Shays, knowing of the approach of Lincoln, found it indispensable to attempt the defeat of Shepherd before Lincoln could arrive. Relying on the aid of Day, on the western side, Shays approached Shepherd's position on the afternoon of January the 25th. When they had come within a short distance, Shepherd sent messengers to them demanding to know their purpose, and warning them of their danger. Shays answered, that he meant to have possession of the barracks. Shepherd replied to him, that he was posted there, by order of the

government, and of Congress; and that if Shays came any nearer, he and his body of men would be fired upon. He was answered, *that* was what was wanted. The insurgents were within 250 yards of Shepherd's line; and when they had advanced an hundred yards further, Shepherd ordered two cannon to be fired, but, unwilling to shed the blood of his deluded fellow-citizens, caused the shot to be thrown over their heads. This measure not having intimidated them, as he hoped it would, his guns were then pointed to the centre of their column and discharged. A cry of *murder* was heard in the ranks of the insurgents, and they immediately fell into such confusion and terror, that their leader's efforts to display his column, and lead on to battle, were all in vain. His men immediately retreated to Ludlow, about ten miles from the place of action, leaving three of their men dead and one wounded. (*Minot's Hist. Insur.*, 111.)

Shepherd remained at his post, in constant expectation of a renewed attack from the united force of Shays and Day; and of Eli Parsons, who led about 400 men from Berkshire. He had reason to believe that the advantage of attacking him before the arrival of Lincoln's troops would not be lost. But at noon on the 27th he had the satisfaction of seeing the approach of Lincoln's troops, consisting of four regiments, three companies of artillery, a company of horse, and another company who were volunteers. Hardly stopping to rest, General Lincoln led a detachment across the frozen river, to attack Day; while Shepherd moved up the river to prevent the junction of Day and Shays. Day's party were put to flight and escaped to Northampton. The party of Shays retreated to Amherst, destitute of all provision, except that obtained by plunder. Lincoln followed in the same direction, but finding that Shays had gone from that place, and that his troops could not be sheltered from the excessive cold nearer than at Hadley, he marched thither.

While at this place, Lincoln was informed that Shays had posted himself at Pelham hills, and he thought proper to address a letter to him, and his officers (on the 30th of Jan. 1787) of a firm, and

dignified, but humane character, informing them that if they laid down their arms, and took the oath of allegiance to the Commonwealth, they would be recommended to the General Court for mercy. On the same day Shays replied, that he desired hostilities to cease, until an answer could be received to a petition then on its way to the General Court. To this communication Lincoln replied on the 31st, "Your request is totally inadmissible, as no powers are delegated to me which would justify a delay of my operations. Hostilities I have not commenced. I have again to warn the people in arms against the government, immediately to disband, as they would avoid the ill consequences which may ensue, should they be inattentive to this caution."

The petition mentioned by Shays, and the intelligence received from Lincoln, induced the legislature to declare the existence of an open rebellion on the 4th day of February, 1787. On the third of February the insurgents were retreating towards Petersham. Of this fact, Lincoln had notice at three o'clock on the same day; but it was not made certain till six o'clock. Notwithstanding the severity of the weather, and the disadvantage of a night march, he gave orders to his troops to be ready, with three days' provision, at eight o'clock, at which time he departed in pursuit. When they had arrived at New Salem, about two o'clock in the morning, a violent wind from the north arose, severely cold, and accompanied by a snow-storm, which obstructed the path. There was no place for shelter, or refreshment; and as the intensity of the cold made it hazardous to stop in the road, for any purpose, there was no alternative but to pursue their disheartening march, which could terminate nowhere but in the quarters of the enemy. Thus, their march was prolonged to thirty miles, in the night time, not a little resembling the retreat of the French from Moscow. At nine next morning Lincoln's front was at Petersham, his rear five miles distant.

This was the favorable moment for the insurgents. They had passed the night in comfortable quarters, and were in full vigor, and could easily be embodied, and conducted to action, against

an exhausted force, of which only the front had presented itself. But Lincoln's flanks being defended by the depth of snow, and there being no approach but in the path in front, and having guarded this by placing his artillery in front, he advanced with the certainty of success.

The first notice which the insurgents had of Lincoln's presence, was from the entrance of the advanced guard among them. The surprise was complete. Their minds were directed to this wonderful achievement, and not to the advantages which they might have had over those who had performed it. Men who are conscious of being engaged in punishable acts, must be assured of superior strength, or driven to desperation, in contending against others who move under the impulse of duty. Their courage abandoned them ; they instantly fled, thinking only of personal safety. One hundred and fifty were taken. The remainder escaped into neighboring states.

LETTER IV.

JAN. 27, 1833.

NOTWITHSTANDING the energetic measures of Bowdoin in suppressing the rebellion, the attention of the people was again turned to Hancock. He was always the popular favorite, and it was hoped, by those who sought relief from the public burdens, that more was to be expected from him than from Bowdoin. Many who had been, in principle, opposed to rebellious measures, and those who promoted them, or were engaged in them, uniting in favor of Hancock, constituted a majority of the electors. In these early days it was suggested and believed, without any justifiable cause, that Bowdoin had English partialities ; because an English-

man, who bore a title, had become his son-in-law.* Hancock having been elected, continued governor until his death, which occurred in October, 1793, at the age of 56.

Hancock will be considered in the history of our country, as one of the greatest men of his age. How true this may be, distant generations are not likely to know. He was the son of a clergyman in Braintree, and was educated at Harvard College, and inherited a very ample fortune, from his childless uncle. Hancock left no child. He had a son who died at an early age from an accident. Hancock was sent as a delegate to Congress in 1775, as before mentioned, and in consequence of his personal deportment, and his fame as a patriot, he was elevated in an assembly of eminent men, to the dignity of President, which office he held when the Declaration of Independence was signed, at which time he was only thirty-nine years of age.

In June, 1782, Governor Hancock had the appearance of advanced age, though only forty-five. He had been repeatedly and severely affected with the gout, a disease much more common in those days than it now is, while dyspepsia, if it existed at all, was not known by that name.† As recollected at this time, Gov. Hancock was nearly six feet in stature, of thin person, stooping a little, and apparently enfeebled by disease. His manners were very gracious, of the old style of dignified complaisance. His face had been very handsome. Dress was adapted quite as much to be ornamental as useful. Gentlemen wore wigs when abroad, and, commonly, caps, when at home. At this time, (June, 1782,) about noon, Hancock was dressed in a red velvet cap, within which was one of fine linen. The latter was turned up over the lower edge of the velvet one, two or three inches. He wore a blue damask gown, lined with silk; a white stock, a white satin embroidered waistcoat; black satin small clothes, white silk stock-

* Sir Grenville Temple.

† It may be that the very general practice of drinking punch in the forenoon and evening, by all who could afford it, was the cause of the common disease of gout.

ings, and red morocco slippers. It was a general practice in genteel families, to have a tankard of punch made in the morning, and placed in a cooler when the season required it. Visitors were invited to partake of it. At this visit, Hancock took from the cooler, standing on the hearth, a full tankard, drank first himself, and then offered it to those present. Hancock was hospitable. There might have been seen at his table, all classes, from grave and dignified clergy, down to the gifted in song, narration, anecdote and wit, with whom "noiseless falls the foot of Time, that only treads on flowers." There are more books, more reading, more thinking, and more interchange of thoughts derived from books and conversation, at present, than there were fifty years ago. It is to be hoped that society is wiser, and happier, than it was, from being better instructed. Some persons may be of opinion, that if social intercourse is on a better footing now than formerly, it is less interesting, less cordial than heretofore. It is not improbable that increase of numbers, and of wealth, tends to make the members of society more selfish; and to stifle expansive and generous feelings. Modes of life run into matters of show and ornament; and it becomes a serious occupation, to be able to compare condition on advantageous terms.

Though Hancock was very wealthy, he was too much occupied with public affairs, to be advantageously attentive to his own private ones. The times in which he lived, and the distinguished agency which fell to his lot, from his sincere and ardent devotion to the patriot cause, engendered a strong self-regard. He was said to be somewhat sensitive, easily offended, and very uneasy in the absence of the high consideration which he claimed, rather as a right, than a courtesy. He had strong personal friends, and equally strong personal enemies. From such causes arose some irritating difficulties. He had not only a commanding deportment, which he could qualify with a most attractive amenity, but a fine voice, and a highly graceful manner. These were traits which distinguished him from most men, and qualified him to preside, in popular assemblies, with great dignity.

Hancock was not supposed to be a man of great intellectual force by nature; his early engagements in political life, and the scenes in which he was conversant, called for the exercise of his powers only in the public service. He was so placed, as not to have had occasion to display the force of his mind in that service, so as to enable those of the present day to judge of it, excepting in his communications to the legislature. There is one exception. He delivered an oration on the massacre of March 5, 1770.

If history has any proper concern with the individual qualities of Hancock, it may be doubtful whether, in these respects, distant generations will know exactly what manner of man he was. But as a public man, this country is greatly indebted to him. He was most faithfully devoted to the cause of his country, and it is a high eulogy on his patriotism, that when the British government offered pardon to all the rebels, for all their offences, Hancock and one other (Samuel Adams) were the only persons to whom this grace was denied.

LETTER V.

Feb. 1, 1833.

One who has been a careful observer of political events for a course of years, well knows, that it is in these, as it is in private life, in this respect:—sometimes seeming evil results in good; and seeming good, earnestly desired and labored for, turns to evil. This may be shown in the occurrences just mentioned. Hancock's resignation, Bowdoin's election, his defeat at the third election (1787), and Hancock's re-election, were respectively considered at the time, by the best informed men, as public misfortunes. But if Hancock had not resigned, the rebellion, pro-

bably, would not have been suppressed. The war would have extended to other states, and we might now have been in the like condition with that of the Spanish provinces in South America. If Hancock had not been elected in 1787, it is doubtful whether the federal constitution would have been adopted in this state; and if it had been rejected in Massachusetts, such was the respect in which this state was then held, it cannot be supposed that other states would have done differently from this. If the union of the states had not then been effected, it seems to have been admitted, that there was no hope of agreeing on any other mode of accomplishing this object; and none, that the old confederation would long have held the states united.

When Hancock succeeded Bowdoin, all the causes of the rebellion still continued. Taxes were exceedingly burdensome, and means for payment wholly inadequate. Commerce was conducted to great disadvantage, and mostly in British vessels. The importations were of articles which the sensible men of the day considered to be, in part, unnecessary, and in part worse than useless; and not to be had without draining the country of specie. But in the course of this year the aspect of affairs changed in some degree; and inspired hopes that difficulties might be surmounted. The fear of new commotions died away. The courts were no more impeded. Nine of the insurgents were tried, and condemned; some of them escaped from prison, some were pardoned; one only was punished by commuting the punishment of death to that of imprisonment to hard labor. No blood was shed by the civil authority. Public peace and confidence in the government being restored, the natural energy of New England men was turned to objects of industry. About this time, with a view to aid domestic manufactures, and to prevent importations, the state took an interest in establishing a duck manufactory in Boston, and a cotton manufactory in Beverly. For some reason, both these efforts proved abortive. The manufacture of pot and pearl ashes was much encouraged, and these became the most important article of export.

In 1788, Governor Hancock was re-elected with somewhat more of opposition than in the preceding election. When the legislature assembled, he was too much indisposed to make the customary speech. He sent a written *message*, which is probably the first instance of a communication in that form, at the opening of a session.

In this political year there are some things worth noticing. Hancock made a persuasive appeal to the legislature, to provide by law for public schools, and for suitable instruction. Notwithstanding the general poverty and distress, laws were enacted, and carried into effect. Ability to establish the means of education, indispensable to a healthy state of society, and to the preservation of a republican government, are now abundant; but in proportion to the increase of this ability, solicitude to apply it profitably seems to have decreased. It is a just ground of complaint, that the interests of education, so far as they are confided to the care of the state, are not sufficiently regarded.

In 1788, Benjamin Lincoln, who commanded the troops in the rebellion, was chosen lieutenant-governor. He had acquired the highest respect and esteem, not only on that occasion, but for his services in the revolutionary war. It is not easy to assign the true cause for Hancock's treatment of Lincoln. At that time, Castle William, now Fort Independence, belonged to the state. The perquisites of the command at this place, were equal to an annual salary of one thousand dollars. The lieutenant-governor had always been appointed to this command, and had received no other compensation than these perquisites. Hancock did not give the command to Lincoln, but exercised it himself, and actually resided at the castle, whenever it suited his convenience. The reason for not appointing Lincoln was not disclosed; and there was no reason apparent to the public. It can be accounted for only by knowing what opinions and feelings Hancock could entertain, and how pertinaciously he could adhere to them. The legislature interposed, and requested to know why Lincoln was not appointed to the command of the castle. Hancock evaded

the inquiry, and intimated, that he was himself the proper judge of the time when the appointment was to be made. The legislature provided a salary and the appointment was not made. This conduct materially affected Hancock's popularity, but not to the extent of defeating his election in the ensuing year. Something may be inferred of the true character of Hancock from this transaction; for no man could be more deserving of confidence and respect, in public and in private, than Lincoln. Hancock's motives can only be conjectured.

In 1789, President Washington visited the eastern states. He travelled in a post-chaise with four horses; he was accompanied by Major Jackson, official secretary, and by Tobias Lear, his private secretary; and attended by his famous man Billy, who makes a conspicuous figure in the forged letters. A disagreement arose between the Governor and the Town's Committee, to which of them belonged the honor of receiving the President at the line of the town. From this cause there was a long delay, during which the President was exposed to a raw northeast wind, by which exposure he was visited by a severe cold. Many other persons were exposed and affected in like manner, and the affection became so general as to be called the Washington influenza. He came in on horseback, dressed in his old continental uniform, with his hat off. He did not bow to the spectators as he passed, but sat on his horse with a calm dignified air. He dismounted at the Old State House, now City Hall, and came out on a temporary balcony at the west end; a long procession passed before him, whose salutations he occasionally returned. A triumphal arch was erected across the street at that place, and a choir of singers was stationed there. When Washington came within hearing, he was saluted by the clear, powerful voice of Daniel Rea, who began the ode prepared for the occasion: "*The conquering Hero comes.*"

Hancock, with some feeling of *state rights*, had taken the position that, as the representative of sovereignty in his own dominion, he was to be visited *first*, even by the President; who, on Hancock's own ground, is the representative of sovereignty of all the states,

wheresoever he may be within their limits. The President was made to understand that Hancock expected the first visit. This was not deemed proper by the President. A negotiation ensued. It ended in a refusal on the part of the President to see Hancock, unless at his own place of abode, which was at the house at the corner of Court and Tremont Streets. The delay was afterwards imputed to Hancock's personal debility. On the second or third day, Hancock went in his coach, enveloped in red baize, to Washington's lodgings, and was borne in the arms of servants into the house.

The President remained here about a week, and partook of a public dinner, dined with the Governor, and attended an oratorio in King's Chapel, on which occasion he was dressed in black. On his departure for Portsmouth, he showed his regard for punctuality. He gave notice that he should depart at eight o'clock in the morning. He left the door at the moment. The escort not being ready, he went without them; they followed, and overtook him on the way.

LETTER VI.

Feb. 4, 1833.

In 1774, at the suggestion of Massachusetts, a congress of delegates assembled at Philadelphia. This assembly conducted the affairs of the United States during the war until the year 1781. It was commonly called "The Congress." It was one body, and exercised legislative and executive power; and acted in the name of the states, in the negotiations with all foreign powers. In 1781, the several states adopted articles of confederation, intended to vest such powers in The Congress as were then deemed necessary; but they amounted to no more than power to recommend to the

several states, the adoption of such measures as the common defence and prosecution of the war required.* (1)

When the pressure of the war ceased, it was found that the powers given by the articles of confederation made Congress entirely dependent on the states. Congress could demand of the states whatsoever was necessary for the performance of its contracts made in the course of the revolution. But the states might comply or not; and if they did not, Congress had no power of coercion. If money was wanted, Congress apportioned the sum among the states, according to population and property. The states had then to assess on their respective inhabitants the amount demanded. When the danger from the presence of the enemy had ceased, the states judged for themselves whether they could, and would, comply with the demand. The states began, also, to exercise acts of sovereignty among themselves, and over such acts Congress had no control. Congress could not regulate commerce between the states, nor between them, individually or collectively, and foreign countries. It could not derive a revenue from importations. In short, it could *recommend*, and this was the extent of its power. The disturbances, and consequent insurrection and rebellion in Massachusetts, alarmed all the states. General Washington wrote to a friend, that if such was to be the fruit of the revolution, it would have been far better to have saved the lives and the money expended.

Several propositions were made to hold conventions, to consider the proper measures to be adopted. One was held at Annapolis, in Maryland, in September, 1786, but only five states were re-

* It is not intended to do more than make a mere outline of historical events. Those who desire accurate information are referred to the first volume of the truly excellent work of Judge Story, entitled "Commentaries on the Constitution of the United States." All the works which relate to this interesting period are there referred to; and his countrymen are indebted to him for an historical compilation which leaves nothing to be desired.

(1) For minute information on these events, the reader is also referred to Bancroft's History of the United States, which has appeared since the last edition of this work.

presented. These movements led to the convention which began in Philadelphia in May, 1787, at which all the states were represented, except Rhode Island. From this convention came the present constitution, after a long and laborious discussion, in the course of which the convention was frequently on the point of breaking up, hopeless of accomplishing anything. This constitution was submitted to Congress, and by Congress to the states, with a recommendation that delegates from the people should meet and consider it. Hancock submitted this constitution to the legislature of Massachusetts in November, 1787, and a convention assembled in Boston on the 9th of January following, consisting of three hundred and fifty-five members.

The ablest men in the state were of this assembly. They commenced their session in the Old State House, and soon adjourned to a meeting-house, where the Rev. Dr. Channing's meeting-house now stands, whence that street has its name. John Hancock was chosen president; William Cushing, then chief justice, vice president; George Richards Minot, author of the History of the Insurrection, and of a Continuation of the History of Massachusetts, was secretary. An intense interest was taken in the proceedings of this respectable assembly. It was believed that, if the constitution was rejected by them, there could be no hope of having it adopted by the requisite number of states. There is no doubt that, if the question had been taken without discussion, there would have been a large majority against the adoption. Each member would have voted on his own objections, and there were some objections in almost every mind. The constitution had been thoroughly discussed, in the most able manner, in newspapers in different parts of the states, before the convention met. These commentaries had been generally read. At the head of all of them are the numbers entitled "The Federalist," which were the joint work of Jay, Hamilton, and Madison, but principally of Hamilton. This work is held to be a high authority at the present day, as explanatory of the constitution. The theory and practice of mankind in government, from the earliest ages,

were open to discussion as illustrative of the serious measure proposed to the American people; and it could not be otherwise, than that the ablest men in the country should have been enlisted on the one side and the other. No one who did not live at that time, with capacity to comprehend the operation of hopes, fears, jealousies, doubts, and perplexities, can conceive of the sober and absorbing interest which was then experienced in this community. This interest was more deeply felt in Massachusetts than in any other state, in consequence of the recent rebellion; and from this cause the zeal, both of advocates and opponents, may have been the more ardent. There are few, if any, men now living who were members of this convention. Some of them held eminent stations in public life in after times. There are not many now living who knew them personally, and of these, perhaps, there is no one who will take the labor of describing them, unless it be done in these letters. All the men who took any active part in this assembly, and who were sufficiently prominent to be objects of curiosity, will be described according to the impressions which memory retains.

LETTER VII.

Feb. 8, 1833.

The course of discussion was, to take up paragraphs of the constitution in their order, and for each member, who saw fit, to express his opinion. The final and only question was, on the acceptance or rejection of the instrument, in whole. Elbridge Gerry, who had been a member of the convention, and afterwards became Vice President of the United States, as well as Governor of Massachusetts, was invited to take a seat in the convention, that he might be called on for explanations. He was so called on twice;

and, on debate, it was settled, that his answers should be given in writing. This gentleman was opposed to the constitution, and so declared himself to be, in a letter addressed to Governor Hancock before he came home. Mr. Gerry was a man of middling stature, and thin person, of courteous manners, and gentlemanly appearance. He took an active and zealous part in the revolution. His public transactions are recorded in different forms, and to these reference is made to satisfy curiosity, as to his ability and his usefulness in public services.

The first important debate that occurred in the convention, was on the election of representatives for *two* years. Fisher Ames distinguished himself in this debate. He was then about thirty years of age, and had been known as a writer on the politics of the day. His speech, on this occasion, placed him in an eminent rank as a statesman and orator, which he made still higher and higher as long as his public life continued. No man has appeared in this country, who took a deeper interest in its prosperity and honor; and it is not an easy matter to point out his superior, in comprehensive and just views, or in ability to display them, whether in speech or writing. It is said that the eloquence of the tongue and the pen do not often occur in the same man; he was alike eminent in both.

The constitution having been adopted by nine states in the course of the year 1788, the first elections under it occurred in the autumn of that year. Mr. Ames was sent to Congress, and remained a member during the whole of Washington's administration. He made many elaborate and able speeches. There is a test of congressional excellence in the general sentiment which the public acquire, not from the hearing, or reading, of speeches, by each one who pretends to an opinion, but by a community of sentiment, of which friends and foes admit the correctness. Thus, there are thousands who know that Mr. Ames was an eloquent statesman, who never heard his voice, nor read a word of his utterance. The two speeches which may be considered to have precedence of all others which he made, were that on Mr. Madi-

son's resolutions, and that on granting appropriations under Jay's treaty. The former was delivered on the 27th January, 1794, the latter on the 28th April, 1796. The first of these speeches was in answer to a course of policy, (proposed for the first time at the suggestion of Mr. Jefferson in an official report,) which was afterwards fully developed, and carried into effect during the administrations of Mr. Jefferson and Mr. Madison. The second speech was, probably, the greatest effort of his political life. He was then in a state of health which seemed to forbid any effort. He is represented to have given up all hope of being able to speak. His manly form, enfeebled by disease, was hardly capable of supporting him in the action of his unimpaired mind, and, no doubt, this circumstance tended to excite a highly increased interest. No one who heard him could suppose it possible that he should ever be heard again in any legislative assembly. His friend and biographer, the Rev. Dr. Kirkland, in his beautiful sketch of Ames, says of this speech, "When he had finished, a member in opposition moved to postpone the decision on the question, that they might not vote under the influence of a sensibility which their calm judgment might condemn." Mr. Ames so far recovered as to attend the next session of congress. He lived till the 4th of July, 1808, and died at the age of 50. Dr. Kirkland's volume contains his speeches and his writings, most of which are essays on the political affairs of this country and Europe; and also "Hints and Conjectures concerning the Institutions of Lycurgus,"—"American Literature,"—"Review of a Pamphlet, entitled, Present State of the British Constitution, historically illustrated,"—"Sketch of the Character of Alexander Hamilton."

Though Mr. Ames' professional brethren held him in the highest respect, they concurred with his biographer, that he was more adapted to the senate than the bar. "It was easy and delightful to him to illustrate by a picture, but painful and laborious to prove by a diagram." Mr. Ames was a man of purest morals; of most amiable disposition; and most sincerely beloved by his friends,

among whom were some of the most eminent men of that day. He was above middle stature, and well formed. His features were not strongly marked. His forehead was neither high nor expansive. His eyes blue and of middling size; his mouth handsome; his hair was black, and short on the forehead, and, in his latter years, unpowdered. He was very erect, and when speaking he raised his head, or rather, his chin was the most projected part of his face. He had a complacent expression when he was speaking, and if he meant to be severe, it was seen in good-natured sarcasm, rather than ill-natured words. It was said that the beautiful productions of his pen were the first flow of his mind, and hardly corrected for the press. Mr. Ames' life is supposed to have been shortened by his excessive anxiety about his country. Many of his predictions have been realized, and some of them in his lifetime. His air, manner, and countenance, were those of an honest and sincere man. The condition of the country furnishes abundant proof that he was, politically, a wise man; all his mournful prophecies may be in the course of fulfilment.

Rufus King was a member of this convention, from Newburyport. He had been in the first Congress. At this time he was thirty-three years of age. He was an uncommonly handsome man, in face and form; he had a powerful mind, well cultivated; and was a dignified and graceful speaker. He had the appearance of one who was a gentleman by nature, and who had well improved all her gifts. It is a rare occurrence to see a finer assemblage of personal and intellectual qualities, cultivated to the best effect, than were seen in this gentleman. He expected to have been chosen to the Senate of the United States after the adoption of the constitution; but this not having happened, he went in the following year to reside in New York. He was there elected to the Senate of the United States in 1789, and was sent by Washington minister to London in 1796, and remained there till 1803. He was twice afterwards elected to the Senate; and when he was far advanced in life, he was again sent to London; but his health was

so much impaired, that he came home in about a year, and died at the age of seventy-three. Mr. King's manner in the Senate was highly dignified, and in private life that of a polished gentleman. His speeches, in manner and weight, gave him an exalted rank. Among his superior advantages was an accurate knowledge of dates, and facts, of most essential service in the Senate. His two finest speeches are said to have been on the burning of Washington by the British; and on the exclusion of Mr. Gallatin from the Senate, for the reason that he had not been a citizen long enough to be entitled to a seat there. Mr. King was a public man throughout his long life, with few and short intervals; but, like all other men, in our country, whose pride or pleasure depends on office, he was subjected to some disappointments. Yet he may be considered as one of the most successful of the eminent men whose relations to the public endured so long. The private life of Mr. King is said to have been highly respectable; biographical sketches of him mention that he was a professor of Christianity.

Among other members of this convention, were Samuel Adams, Charles Jarvis, Christopher Gore, Benjamin Lincoln, Theophilus Parsons, George Cabot, Francis Dana, John Brooks, Caleb Strong, John Coffin Jones, Theodore Sedgwick. There may be occasion to mention these again, except Charles Jarvis, of whom it may be observed, that he was a zealous advocate for the constitution, though afterwards a decided opponent to the administration of it. This gentleman was a physician; he was a tall fine figure, bald head, rather large face, and small eyes. His motions were vehement, and he was of ardent character. He had a fine voice, and a natural popular eloquence, rarely surpassed. He was accustomed to pause in his eloquence, when he had said something which he thought impressive, and to look round upon his audience for the effect. This was a hazardous experiment, but he never seemed to fail in it.

LETTER VIII.

FEB. 13, 1833.

The history of the world records no case of more intense interest than that which pervaded the United States, in the year 1788. Thirteen independent sovereignties, seriously alarmed for their preservation against each other, more alarmed with the apprehension that they might give up the liberty, which they had gained with the utmost exertion of mind and body from foreign tyranny, to one of their own creation within their own limits, called into the deliberative assemblies of the time all the able men of the country. Some union of the states was admitted by all, to be indispensable; but in what manner it should be effected, what powers should be given, and what powers reserved; how these should be modified, checked, and balanced, were points on which honest men might zealously contend. Here was a case, in which a whole people, unawed by any foreign power, in peace with all the world, sorely experienced in what may be the exercise of civil authority; dependent on no will but their own; convinced of the necessity of forming some government;—were called on to settle, by peaceful agreement among themselves, the most important questions which can be presented to the human mind.

The first, and most comprehensive point of division, was found in the extent of power to be granted to the national government. Some men were disposed to guard state rights, and, at all events, to avoid the establishment of powers which might gradually absorb them, and result in a consolidation, through the dominion of an aristocracy, or despotism. Others foresaw the necessity of vesting powers adequate to the preservation of peace among the states, to enabling all of them to act as one in relation to all foreign governments, and to secure a coercive power, for all national purposes, over the citizens of the several states. How, then,

were these powers, so liable to abuse, to be defined and regulated to the satisfaction of all parties?

There may have been some men, who desired to be free from all national government, and who preferred to rely on the strength of their own state governments. This number, probably, was not great. It is believed that a large majority of the thinking men were decided, that there must be some confederation of the states. The discussion, in convention and in the public papers, on the powers to be given, and those to be reserved, became more and more zealous, and divided the country into two great parties, who took the name of *Federalists*, and *Anti-federalists*. This may be called the second division into parties; the preceding one, during the war, having been that of whigs and tories, borrowed from English politics, as far back as the reign of the Charles's.

It is to be remembered, that the popular conventions, assembled in the states, were not to settle what the powers of the national government were to be, but whether the powers defined, *in the proposed constitution*, should be those to be exercised; and, consequently, whether the constitution was to be accepted, or rejected. This question necessarily led to the most searching discussion of these powers, according to the views which the federalists and anti-federalists entertained. Those who desire to be accurately informed as to the ground of difference, will find an able summary in Judge Story's first volume of Commentaries, Book III., ch. II., in which this learned and indefatigable student has referred to all the authentic sources of information.

We are now looking back to those eventful days, after an experience of more than forty years. It is humiliating to find, how groundless were some of the fears of the honest and able, and how unperceived were some of the perils, and the most dangerous ones too, which time has disclosed. The objection least insisted upon was the abuse of *executive* power; that most insisted upon was the abuse of *legislative* power. The danger is now known to be from the former source, and that if there be any preventive power, it is to be found in the latter. In the sketch of de-

bates in the Massachusetts convention, there is no notice of objections to the executive power; the discussion appears to have been warm and zealous on that of the legislature. There has been unwise and improvident legislation in abundance, but none hitherto that has endangered the liberties of the country, which did not arise from executive suggestion. In what danger these liberties are, under the combined dominion of "the people's" president, and an association of artful, selfish, and unprincipled men, and a subservient congress, is a very serious inquiry. This is precisely the case which Mr. Ames so eloquently discussed in his political writings.

How truly Mr. Ames foresaw a coming state of this country, may be seen from an essay of his entitled "No Revolutionist," published in 1801. "The deceivers of the people tire out their adversaries; they try again and again; and an attempt that is never abandoned, at last, will not fail. We have an enlightened people, who are not poor, and who are, therefore, interested to keep jacobinism down, which ever seeks plunder as the end, and confusion as the means. Yet, the best informed of this mighty people are lazy; or ambitious, and go over to the cause of confusion; or are artfully rendered unpopular, because they will not go over. The sense, the virtue, and the property of the country, therefore, will not govern it; but every day shows that its vice, and poverty, and ambition, will. We have thought that virtue, with so many bright rewards, had some solid power; and that with ten thousand charms, she could always command an hundred thousand votes. Alas! these illusions are as thin as the gloss on other bubbles. Politicians have supposed that man really is what he should be; that his reason would do all it can, and his passions, and prejudices, no more than they ought; whereas, his reason is a mere looker-on; it is moderation, when it should be zeal; is often corrupted to vindicate, where it should condemn; and is a coward, or a trimmer, that will take hush-money."

To return to the convention; it has been observed, that the adoption of the constitution in Massachusetts may have depended

on Governor Hancock. He had been absent some days from illness. On the 31st of January (1788) he resumed his place, and after remarking on the difference of opinion which prevailed in the convention, as he had seen from the papers, he had to propose that the constitution should be adopted; but that the adoption should be accompanied by certain amendments, to be submitted to Congress, and to the states. He expressed his belief, that it would be safe to adopt the constitution, under the expectation, that the amendments would be ratified. The discussion appears then, to have turned on the probability of obtaining such ratification. It cannot be assumed, for certainty, that this measure of Hancock's secured the adoption; but it is highly probable. The convention may have been influenced by another circumstance. About this time a great meeting of mechanics was held at the Green Dragon tavern, situated in what is now part of Union street, and westerly of the Baptist meeting-house. The tavern and the street were thronged. At this meeting resolutions were passed, with unanimity and acclamation, in favor of the adoption. But notwithstanding Hancock's conciliatory proposal, and this expression of public feeling, the constitution was adopted by the small majority of *nineteen* out of three hundred and fifty-five votes.

The adoption was celebrated in Boston by a memorable procession, in which the various orders of mechanics displayed appropriate banners. It was hailed with joy throughout the states. General Washington is well known to have expressed his heartfelt satisfaction, that the important state of Massachusetts had acceded to the union. There is much secret history as to the efforts made to procure the rejection, on the one side, and the adoption on the other. It would take more time than the subject is worth, to detail the rumors of the day, in this respect.

The proposed amendments were taken into consideration at the first Congress, under the new constitution, and digested into twelve articles. These were submitted to the several states, and ten of them adopted, and now form part of the constitution. They were in the nature of a bill of rights, and of the same import with like

provisions in the state constitution of Massachusetts. The ninth and tenth articles, on the construction of powers, are frequently quoted in Congress, and in courts.

The greatest anxiety followed the adoption, on account of the uncertainty whether a sufficient number of states, (several of them not having then called conventions,) would accept the constitution. The required number (nine) did so, within the next six months, and the elections were made in the autumn, and following winter.

The first Congress met at New York in the month of April, 1789. Washington had been unanimously chosen President, and assumed his office on the 30th of April. John Adams was chosen Vice President. The proceedings of Congress, at the earliest sessions, are highly important. They comprise the construction of the powers given by the constitution to that body. This subject will be hereafter mentioned in connection with the parties, who gave a character to the times, under the political distinctions before mentioned.

This minute account of the origin of parties has been given to show, that the *party-name*, *Federalist*, was that of the citizens who were in favor of adopting the proposed confederation, or constitution; that is, they were earnestly desirous of entering into this new union. It will hereafter be seen, that Mr. Jefferson devoted much of his public and private life to prove that they were *dis-unionists* and monarchists;—factious and traitorous.

LETTER IX.

FEB. 20, 1833.

GOVERNOR HANCOCK continued in office till October, 1793, and then died at the age of fifty-six, of gout and exhaustion. In the

latter years of his life, he was severely afflicted with the gout, and hardly competent to perform the duties of his place, even so far as these can be performed in one's house. Still he retained a strong hold on the popular good will. His funeral was conducted with great ceremony. The militia of the town and surrounding country were called into service. The judges of the Supreme Judicial court had, up to this time, worn robes of scarlet, faced with black velvet, in winter, and black silk gowns in summer. On this occasion they appeared in the latter, but, for some reason, they wore neither robes nor gowns afterwards.

Hancock had some faithful friends and advisers in whom he reposed entire confidence. Among them was his clergyman, Dr. Samuel Cooper, though this person died during the early years of Hancock's magistracy, (in December, 1783,) at the age of fifty-nine. Dr. Cooper was one of the great men in revolutionary days. He was learned and eloquent, and one of the most finished gentlemen of that age, and one of the ablest divines of any age. He was singularly neat in his dress. He wore a white bushy wig, a cocked hat, and a gold-headed cane. He was tall, well formed, and had an uncommonly handsome, intelligent, and amiable face. One could not fail to remember him well who had ever seen him. He was as much of a politician as a divine, and a powerful writer on the patriot side; but there are no writings of his preserved, except sermons, and newspaper essays, which cannot now be distinguished as his. He is supposed to have sacrificed his life to the inordinate use of Scotch snuff. His brain was first seriously affected, and his mind was much impaired before his physical powers failed. He told a friend who visited him a short time before the close of his life, "when you come again, bring with you a cord; fasten ends of it in each corner of the room; let the cords cross in my head to keep it steady." There are representations of the personal appearance of Dr. Cooper, having inscribed on them this notice of his eloquence, *melle dulcior fluebat oratio*. The most distinguished men of that time were his parishioners, and among others, Governors Bowdoin and Hancock.

It may not be uninteresting to sketch the condition and usages of society, about the time of the adoption of the constitution, according to the impression now retained of them. There were families who were affluent and social. They interchanged dinners and suppers. The evening amusement was usually games at cards. Tables were loaded with provisions. Those of domestic origin were at less than half the cost of the present time. The busy part of society dined then, as now, at one, others at two o'clock; three o'clock was the latest hour for the most formal occasions. There were no theatrical entertainments; there was a positive legal prohibition. There were concerts. About the year 1760, Concert Hall was built by a gentleman named Deblois, for the purpose of giving concerts; and private gentlemen played and sang for the amusement of the company. There were subscription assemblies for dancing, at the same place, and it required a unanimous assent to gain admission. Dress was much attended to by both sexes. Coats of every variety of color were worn, not excepting red; sometimes the cape and collar were of velvet, and of a different color from the coat. Minuets were danced, and *contrē* dances. Cotillions were of later date. They were introduced by the French, who were refugees from the West India Islands. A very important personage, in the fashionable world, was Mrs. Haley, sister of the celebrated John Wilkes. She came over in the year 1785, and purchased the house in which the late Gardiner Greene lived, at the head of Court Street.* She was then advanced in life, of singular personal appearance, but a lady of amiable deportment, She afterwards married a gentleman who was the uncle of a celebrated Scotch reviewer; but after some years returned to England. Her house was a place of fashionable resort. Marriages and funerals were occurrences of much more ceremony than at the present day. The bride was visited daily for four successive weeks. Public notice was given of funerals, and private invitations also. Attendance was expected;

* This house, and the hill in the garden, formerly attached to the house, have since been torn down and dug away, to make place for Pemberton Square.

and there was a long train of followers, and all the carriages and chaises that could be had. The number of the former in town was not more than ten or twelve. There were no public carriages earlier than the beginning of 1789; and very few for some years afterwards. Young men, at their entertainments, sat long and drank deep, compared to the present custom. Their meetings were enlivened with anecdote and song.

Among the remarkable visiters of this country was Brissot de Warville, in 1788, afterwards chief of a faction in the French Revolution called the Girondists. He was executed in Robespierre's time, at the age of thirty-eight. He came over to learn how to be a republican. He was a handsome, brisk little Frenchman, and was very well received here. He wrote a book on this country. He was much delighted with the Quakers, and is said to have respected their simplicity of dress, and to have introduced, in his own country, the fashion of wearing the hair without powder.

The means of education have greatly improved. There were two Latin Schools. One in School Street, and one at the north part of the town. The only academies recollected were one at Exeter (New Hampshire), one at Andover, and one near Newburyport, called Dummer Academy. The latter was the seminary at which some eminent men were instructed; among others, Parsons and Sewall, Chief Justices in Massachusetts; Willard, President of Harvard College; S. Phillips, Lieutenant Governor; Rufus King; Commodore Preble. It was a common practice for clergymen to receive boys into families to prepare them for college. The means of educating females were far inferior to those of the present time. The best were "boarding-schools," and there were but two or three of these. The accomplishments acquired were inferior to those which are common among hundreds of young females of the present time. The sum of acquirements now, in the process of education, greatly surpasses that of forty years ago in both sexes. The moral condition of society, among the well informed, (so far as is seen on the surface,) is greatly improved. There is more occupation of various sorts. Society,

collectively, is undoubtedly better. Whether its members, in all things then and now, innocent, are happier or not, one cannot judge from youthful impressions. In one respect there is a change of immeasurable value; that is, in the intercourse of parents and children. It is very possible that there are some who prefer the strict discipline of former days; and who believe that as much of substantial benefit has been lost as gained, in the changes which have occurred. If this be so, it arises from the *quality* of education, and not because there is more of it.

LETTER X.

FEB. 22, 1833.

THE first occurrences under the new national government, are known from the most authentic sources, and eminently so from the fifth volume of Marshall's Life of Washington.

The government, though one of deliberate consent, encountered from the first movement of its being, a powerful opposition. This gradually strengthened, and at the end of twelve years, acquired an ascendency, and converted the founders of the government into an opposition. It will appear, in distant times, to those who study the records of times recently passed, that when the government has been administered *well*, the principles developed by those who were its founders have been adhered to. How long the fabric on which the liberties of this nation depend, can endure the shocks which it must inevitably encounter, is beyond the power of conjecture. It may continue through many generations, or expire before another is gone. Its form and name may continue, though the true purposes for which it was instituted, may have been entirely perverted. There is an unceasing peril in the intrinsic difficulty of preserving the exact line between state and national

authority. The same population, in each of the states respectively, being subjected to the two governments (national and state) may honestly divide in opinion as to rights and duties under each. This has been one of the causes of dissension, sometimes operating in one part of the Union, and sometimes in another. The end of the Union must come from this cause, or from the extinction of state governments, by the establishment of tyranny in the federal head. Such results were foreseen at the commencement, and faithfully considered in the FEDERALIST.

At the beginning of this government, there were causes of party bitterness, which have long since disappeared. Besides the jealousy as to state rights, and the necessity of effective national administration, there were the embarrassments arising out of the measures which Congress, and the states, respectively adopted, during the war; the claims on the government; and the delicate and difficult initiation of the exercise of its powers. There existed, also, a vindictive and, perhaps, justifiable feeling against Great Britain, and a natural partiality for France, whether justifiable or not. The destruction of the French monarchy soon followed; and the seeming of republican freedom began in that country. War ensued between England and France. French politics, enthusiasm, and power, sought dominion in this country. The Americans who opposed this, were considered as devoted to England. Thus the war of Europe actually raged in this country to the full extent, excepting that no blood flowed. Then came the whisky insurrection of Pennsylvania. Amidst all these difficulties, the national government would probably have perished in its infancy, if it had not been for the wisdom and firmness of Washington.

The respect, confidence, and affection universally entertained for this eminent man, were fully manifested in his journey from Mount Vernon to New York to assume his office. He arrived in April, 1789, wearing, it is said, a suit of domestic manufacture. The members of Congress whom he met there, were, in part, distinguished men, who had assisted in framing the constitution, and who had taken a conspicuous rank in the conventions in which it

was discussed. The Vice President, Mr. Adams, who had been in Europe during most of the war, and who had recently returned, had taken his place at the head of the senate. There were in both branches some members who had been opposed to the constitution. Among the federal members, who may be hereafter described, were Caleb Strong, George Cabot, Robert Morris, Theodore Sedgwick, James Madison, Egbert Benson, William Smith, Elias Boudinot. Mr. Ames has already been mentioned as being of this Congress. It is said that the executive officers began their official life with more parade and ostentation than was thought becoming; and that Mr. Adams walked the streets with his hat under his arm, wearing a sword. Possibly this may have been so, because it was said, and believed in Richmond, in 1796, that Mr. Adams was always preceded by four men bearing drawn swords; which is no very extraordinary amplification, if there were anything to rest upon. Washington's forms and ceremonies were complained of as amounting to royal customs. What these forms and ceremonies were, will be hereafter shown; and why adopted, may be found in Marshall's 5th vol., p. 163, where a letter of Washington to Dr. Stuart, is quoted, stating the reasons; what Mr. Jefferson says (in one of his posthumous volumes) to the contrary, notwithstanding.

Congress continued in session till the 29th of September (1789), employed in framing the laws necessary to the organization of the government. In this space of time, the construction of the powers intended to be given, was very ably discussed. The number of senators did not then exceed eighteen. The number of representatives attending was about eighty. Soon after the adjournment, Washington made his eastern tour. He did not then visit Rhode Island, but did this in the following autumn.

Among the subjects strenuously debated at this Congress, was the President's power of appointment, and removal of the officers of his cabinet. The appointment was constitutionally subject to the assent of the senate. The removal was then settled to be in the power of the President alone. The history of the country

shows in what manner this power may be used; and some who were then opposed to leaving it to the President alone, would have seen their predictions realized, if they had contiuued to the present day. It is perceived now, that the framers of the constitution erred in not restricting executive power; and that the first legislators erred in like manner. Though they could not have expected a succession of Washingtons, they are excusable for not dreaming of Jeffersons and Jacksons. Another point much discussed was, whether the secretaries of the executive should make reports to Congress. The duties and difficulties of the treasury department may be discerned in Mr. Ames's remarks in support of the proposition: "Among other things," he said, "the situation of our finances, owing to a variety of causes, presents to the imagination a deep, dark, and dreary chaos, impossible to be reduced to order, unless the mind of the architect be clear and capacious, and his power commensurate to the object. It is with the intention of letting a little sunshine into the business, that the present arrangement is proposed."

The tonnage duty was one of the subjects, at this time, considered. Even then, the spirit that never tired, nor yielded, in favor of France, till the conclusion of the war in 1815, was clearly apparent. It has been before remarked, that it was a natural political feeling. It may have been honestly entertained. Whether it was honestly applied, at all times to American affairs, is a matter which must be left to the consideration of those who will examine with an impartiality not to be expected from men who united in it, or lamented it.

LETTER XI.

March 1, 1833.

Before the President commenced his tour in the east, he selected his cabinet. Mr. Jefferson was then on his voyage from France, in which country he had been minister some years. His return was intended to be temporary. On his arrival he found an invitation to assume the office of Secretary of State, with an intimation that he was to retain his diplomatic character, and return to France, if he did not accept. He is said to have preferred the latter, but did for some reason forego this preference, and assumed the duties of Secretary on the 22d of March, 1790. Alexander Hamilton was appointed Secretary of the Treasury the preceding September. This office is supposed to have been offered first to Robert Morris, who declined it, and who recommended Hamilton. In the same month General Henry Knox was appointed Secretary at War; and Edmund Randolph, Attorney-General. The office of Secretary of the Navy did not exist till Mr. Adams' presidency, and was first filled by George Cabot, in the month of May, 1798. In the lately published biography of John Jay, it is said, that this gentleman was invited to select an office for himself, and that he chose the place of Chief Justice, and was appointed in the same September. This eminent man will be hereafter described; as well as each of those who have just been mentioned.

At the next session, which was held at New York, some of the admirable reports of Hamilton were presented, which established the true course of national policy from that time to the present. Hamilton was then about thirty-three years of age. The first object appears to have been, to provide for the debts contracted during the war, and to establish the national credit. The light of the sun was then let in, as Mr. Ames said, on this chaos.

There was more light than was acceptable to some of the members of Congress. A great diversity of opinion arose; and long and animated debate ensued. This highly interesting subject, at that time, was, and ever will be, one of deepest interest to this country, as the true basis of national credit, and of the national honor, then established. The discussion seriously agitated the country, and gave new vigor to party dissensions. There were two points of prominent interest, whether the state debts should be assumed by the nation, and whether the evidences of debt (called then public securities) should be "funded" for the benefit of the holders, at the nominal value, or at some depreciated value. They had long been in circulation, and sometimes as low as at one-eighth of the sum for which they issued. These securities had gathered in the hands of those who expected payment, if the constitution took effect; and this was among the causes of the deep interest which the conventional meeting excited. When "the funding system," on Hamilton's report, engaged the attention of Congress, "speculation" might be called a public distemper. At one time the securities rose above their nominal value. Fortunes were won and lost in a single hour. No one who can remember those days, needs to be reminded of the intense excitement which prevailed among speculators; nor of the sullen dissatisfaction manifested by individuals of the opposition. Doubtless the public debt was to be provided for; and, so far as can now be discerned, this was honorably and equitably done. But the effect was to strengthen opposition, and to furnish one more lever to pry up the administration. The greater part of the securities were held in the middle and eastern states. The wealth which was acquired in these parts of the Union, may have been among the early causes of the feelings which have been elsewhere manifested, since these times.

No two men could have been brought together more entirely opposed in opinion, and modes of action, than Jefferson and Hamilton. Their disagreement became an implacable hostility, so that Washington thought it indispensable to interpose, and

attempt reconciliation, in the most kind aud persuasive manner, but all in vain. Jefferson had the strongest partialities for France; Hamilton seemed to foresee and to feel a sense of horror for what was to be enacted in that country. Hamilton had a high regard for the stability and order of the English government. Jefferson appears to have entertained, at all times, the strongest dislike of it. It may be inferred from papers now of historical record, that Jefferson thought the President to have been unduly accommodating to Hamilton's opinions. This the President denied. Placed as these two men were, in the same cabinet, it is quite within the range of probability, that Mr. Jefferson's subsequeut political course may, in some degree, have taken its character from the feelings created, or strengthened, by these collisions.

In February, 1791, the bill establishing the Bank of the United States was considered in the cabinet, to decide whether it should have the President's approval. This institution was thought indispensable by Hamilton, in conducting the duties of his department. It had been thoroughly discussed in the House on the ground of expediency and constitutionality. Marshall says, (vol. v. p. 297,) "the Secretary of State, and the Attorney General," (when the subject was discussed in the cabinet,) "conceived, that Congress had clearly transcended their constitutional powers; while the Secretary of the Treasury, with equal clearness, maintained the opposite opinion." Written opinions were required of each; and the bill was approved. It does not appear from Marshall, that the Secretary at War had any part in this deliberation. From other sources of information, it is believed that he concurred with Hamilton. Persons, who considered themselves well informed, have been heard to say, that this discussion in the cabinet was a scene of intense interest. Whether the public will ever know its precise character, may be uncertain. This may depend on a biography of Hamilton, if such a work should ever be written. How much the personal feelings of the two secretaries may have affected this great public interest, may never be known. It is not

too late, it seems, to doubt and contend against expediency and constitutionality, all experience and precedent, notwithstanding.

LETTER XII.

March 3, 1833.

Congress were engaged in February, 1791, in further carrying into effect, by law, Hamilton's report on provision for the public debt, and maintaining the national credit. The subject then under consideration was the excise, or a tax on the distillation of ardent spirits. This was vehemently resisted by the opposition. They represented it to be, as it proved to be, an unwelcome exercise of power, though the very same opposition afterwards resorted to the same measure. It affected a numerous class of persons, especially in the interior of Pennsylvania, and was generally unpopular throughout the Union. The tax was resisted on many grounds, and among others, that it was unjust and unequal, and that any tax on property, income, lawyers, on written instruments, or on salaries, would be preferable. It affected persons who could feel the tax as an oppression, but who could not comprehend its expediency or necessity to maintain the public credit. We shall see its effect, when enforced, and under its operation, an open rebellion against the government.

About this time the French had made such progress in their revolution as to have established their National Assembly, and the "*great nation*" had already become the terror of Europe. The tree of liberty was to be planted throughout the earth. The progress of French principles was very grateful to the opposition in the United States; nor to them only. Many of the federal party were rejoiced to see the coming freedom of the people who had so essentially aided (from whatever motives) in securing that of their

own country. In the course of the year 1792 the French Revolution had been so far accomplished as to demand, it was thought, a public expression of joy by the Americans.

"A civic feast" was undertaken in Boston; such a one as no rational being would desire to see repeated. A whole ox, skinned and dressed, leaving the head and horns entire, and the eyes protruding from their sockets, was turned on a great wooden spit, before a furnace. When the animal was sufficiently roasted, he was placed on a sledge or carriage, and there properly supported and propped up, was drawn through the principal streets of the town, and was followed by two cart-loads of bread and two hogsheads of punch. An immense concourse of people attended; there was but one mind and heart, and there was no reference to political divisions. The procession terminated in State Street, where a table was laid from the eastern end of the City Hall to near Kilby Street; and on this table it was intended, that the friends of liberty should feast from the roasted ox. The scene soon changed; the cutting up and distribution of the animal became ridiculous; and soon riotous. The roasted fragments were thrown into the air, and hurled at female spectators who thronged the balconies, and crowded the windows. The end of this matter was, that a pole of fifty or sixty feet in length was raised in what was thence, Liberty Square, and surmounted with the horns of the ox, where they remained several years. It so happened that the civic feast occurred here on the same day that the head of Louis XVI was severed from his body by the guillotine. This unexpected event seemed to open the eyes of many Americans to the true character of the French Revolution. It struck some of them with astonishment and horror; while it was to others a matter of heartfelt pleasure. The latter, however, did not approve because they were gratified in destruction of the man, for the common feeling was, that America was greatly indebted to Louis; but because a *king* had fallen; and a triumphant advance had been made in the cause of liberty. It is probable that the leaders of the opposition in the United States, not only saw this

event in this light, but saw in it, also, new encouragement, that federal power might be demolished.

On the first application of the excise law, there were serious discontents and popular movements in the western part of Pennsylvania; so much so, that the President issued a proclamation commanding obedience, and intimating that legal prosecutions would be enforced against all infractions of the laws. This system of taxation was revised by Congress in May, 1792, but the discontents continued.

The year 1793 was one of many important events. Parties had taken decided character in and out of Congress. The veneration for Washington shielded him from open attacks; but his secretary, Hamilton, was not spared. On the 27th of February, Mr. Giles, of Virginia, moved in the House of Representatives a series of resolutions, comprising several charges of official misconduct. These resolutions were debated with great acrimony until the close of the session, on the 3d of March. But not more than sixteen members voted to sustain any one of the resolutions. This was a period of excessive bitterness, as appears from the debates and newspapers of the day.

Hamilton was accused, in a paper called the "National Gazette," well known to be edited by a clerk in the office of Mr. Jefferson, with designs to introduce a monarchy, and to establish a government similar to that of Great Britain. All the measures recommended by him, from the commencement of his duties, were brought in proof of these accusations; particular expressions in his reports were selected as conclusive evidence. On the other hand, Mr. Jefferson was charged in the newspapers with the design of subverting the government, by rendering its officers odious; with being the partisan of France; and with availing himself of his official station to misrepresent the purposes of the executive. The motives of both these gentlemen may be left to the decision of times more distant from those in which they were acting, than the present; and to what may be then an impartial judgment. They are referred to now, to show how the views of Mr. Jefferson

were afterwards carried into his own administration. To this, some men of the present day believe, that subsequent public difficulties, and the present state of the country, may be attributed.

Mr. Giles had a long political life. He was of middle stature, rather full person, light complexion and hair, and full face, without color. He was a very able debater, and thoroughly versed in the tactics of deliberative assemblies. He met with some accident which deprived him of the use of one of his lower limbs. When he was a senator, at the close of Mr. Madison's administration, he moved on two crutches. He showed himself to be a cool and determined opponent of the Washington administration, and especially of the Secretary of the Treasury. In this year, when the customary motion was made on the 22d February, that the House of Representatives should adjourn, for the well-known purpose of visiting Washington, he was one of the eighteen who opposed it. And when Washington retired, in 1797, in the debate on the address to him, drawn by Mr. Ames, Mr. Giles opposed its adoption. Among other things he said,—"He did not regret the President's retiring from office. He believed there were a thousand men in the United States who were capable of filling the presidential chair as well as it had been filled heretofore. And although a clamor had been raised in all parts of the United States, more or less, from apprehensions on the departure of the President from office, yet, not feeling these apprehensions himself, he was perfectly easy on the occasion." "He, for his part, retained the same opinions he had always done with respect to certain prominent measures of his administration; nor should any influence under heaven ever prevent him from expressing that opinion—an opinion in which he was confident, ere long, all America would concur." A majority did concur with Mr. Giles ere long, and these "measures," so far as was practicable, were overruled; but whether for the prosperity, honor, and happiness of the country, it may be safely left to history to decide. Even now, it must strike one with surprise, that a sensible man, and a native Virginian too, found it an agreeable duty to record his disapproba-

tion of a man whom all America, nay, all the world, regards with a veneration which never before or since has fallen to the lot of any man. After Mr. Giles left Congress he was for some time governor of Virginia. To what extent genuine hatred of the persons who were the authors of these "measures" imparted a character to Mr. Giles's feelings; and how far he was convinced that Washington's administration was injurious to the country, he might not have known himself; since his views as a statesman, were so intimately combined with an implacable personal hatred.

It is worthy of notice, that the present chief magistrate of the United States,* was one of the *twelve* in the House of Representatives, who refused the proposed testimonial of respect for the public services of GEORGE WASHINGTON. How much in character it was, for *Andrew Jackson* so to vote, may be judged of from the fact, that the address to Washington contained these sentiments: "For our country's sake, for the sake of republican liberty, it is our earnest wish, that your example may be the guide of your successors; and thus, after being the ornament, and the safeguard of the present age, become the patrimony of our descendants." (House of Rep., Dec. 15, 1796.)

LETTER XIII.

MARCH 6, 1833.

IN the early part of the year 1793, France declared war against England. This country was then entangled with France, by treaty. A very serious question arose, as to the part which the United States should take in this war, or whether any. It appears to have been expected in France, that the United States would

* Andrew Jackson.

engage on its side, from treaty stipulations, or inclination, against England.

The President, and his cabinet, were unanimously of opinion, that the United States were not held to take part in a war *begun* by France; and on the 18th of April, the celebrated proclamation of neutrality was issued. On the receiving of a minister from the French republic, the cabinet were divided; Jefferson and Randolph were in favor of it, Hamilton and Knox against it. The President adopted the opinion of the former. It appears to have been Washington's practice, to state questions in writing to the members of his cabinet, and to require their written answer; these he appears to have examined, and to have formed his own opinion; sometimes requiring a discussion of these opinions in his presence.

The country was already divided into parties, for and against, making a common cause with France. That in favor of it, severely condemned the proclamation; the other approved of it, in the highest terms. The former denounced it as a royal edict, and as a daring assumption of power; while the other upheld it as a new proof of the wisdom and patriotism which had always distinguished Washington. About this time, there were introduced from France imitations of what was there called the Jacobin Club. This club (so called from its place of meeting) was composed of certain prominent men, who met to decide what the measures of the government should be, and they accomplished their objects by intrigue and terror. The institutions of the same sort here, were formed for the ostensible purpose of preserving civil liberty, but for the real purpose of overawing the government. They were here called "Democratic Societies," by their members, and "Jacobin Clubs," by their adversaries. They had an affinity with each other, by means of corresponding committees. They approved of all the excesses of the French Revolution. In some of their festivals, especially in Philadelphia, extraordinary ceremonies are said to have occurred, in the presence, too, of distinguished men. But the memory of them has passed away; and it is probable that the agents in these scenes lived to regret them.

It can be no otherwise useful to refer to them, than to show the character of the times; and the excessive enthusiasm which the transactions of France inspired; and how embarrassing it was to our own government. Washington felt these combinations, as being destructive of all social order; and is supposed to have alluded to them in his farewell address, in speaking of "secret societies." He mentioned them again and again, with the most decided disapprobation, in his private letters.

The first minister that appeared here from the French republic, was the "citizen" Genet, who is said to have instituted the Jacobin Clubs in the United States. His employers assumed, that the United States were to engage, at once, in the war; and he was authorized to commission privateers, and to raise, in the United States, forces to attack British and Spanish possessions on this side of the water. He seemed to consider himself entirely independent of the government of the United States. He was a man of middling stature, and full person, (as now recollected,) and of ardent and animated temperament.

It is usual for a foreign minister to present his credentials to the government to which he is sent, and to be received as such before he begins to exercise his functions. But the citizen Genet did not stop for such ceremonies. He landed at Charleston, S. C., on the 8th April. He was there received with every demonstration of respect and joy, as the representative of the *great nation;* and during his residence there, assumed to issue commissions, for the arming, fitting out, and manning with *Americans*, vessels of war "to cruize and commit hostilities on nations with whom the United States were at peace." (*Marshall*, v. 411.)

His journey from Charleston to Philadelphia, was as that of a victorious chief, to whom a country was indebted for its salvation. He arrived at Philadelphia on the 16th of May, and was there received in a manner which might have misled a more intelligent man than citizen Genet. It strikes one with some surprise, that such events could have occurred in this country. One cannot look back on the enthusiasm and gratitude felt for republican

France, without feeling how easily good sense and discretion may forsake a people. But we look back under the influence of events of posterior times, and as though these ought then to have been foreseen. Regarding this matter dispassionately, nothing was more natural than this enthusiasm. Grateful attachment to France while a monarchy, and detestation of England as a royal tyranny, had long been the common sentiment of the whole country. Now that France had become a republic, and was contending to maintain herself, against England and royalty, the duty and interest of siding with France were too certain to admit of reasoning,—it was an irresistible feeling. The greater, then, is the estimation in which Washington's foresight should be held, since he saw through, and far beyond this excitement; and, most honorable to him, was that magnanimity which opposed itself to the popular clamor.

Genet was astonished to find that he could not carry on the war from this country, by exercising the powers of sovereignty in arming vessels, and having their prizes condemned by French consuls. The government was determined to adhere to the strictest neutrality; to which Genet had no objection, provided he could carry on the war himself; as though billigerent operations could be conducted in a neutral country in the name of a party to a war, without making that country a party in it. This he insisted on doing; and when told that he would be resisted by force, he threatened *to appeal from the President to the people.* The controversies with Mr. Genet were exceedingly embarrassing to the President. On one occasion he had to call on Governor Mifflin, of Pennsylvania, to prevent the sailing of a vessel which had been brought in, as prize by a French frigate, and converted into a privateer at Philadelphia, and named *Le Petit Democrat.* It was on this occasion, that Genet told Alexander J. Dallas, secretary to Governor Mifflin, that he would appeal to the people. Mr. Dallas is the same gentleman, who was afterwards Secretary of the Treasury of the United States. He was a lawyer of some eminence, a tall man, of good manners, marked with the small-pox, (if rightly re-

membered,) and of inexhaustible eloquence. A speech of two, three, or even four days, was not an unusual effort with him. About twenty-five years ago he came to Boston to argue a cause. He was a very fluent speaker, but diffusive, and fanciful. He was entirely on the French side of American feeling, as was Governor Mifflin. The conduct of Mr. Genet became so insolent, and offensive, that the President required of Governeur Morris to demand of the French government his recall. Morris was then minister at Paris. Genet was recalled, though his mission would have terminated if he had not been, as in the revolutionary movements in France, the party to which he was indebted for his ministry was overthrown. Mr. Genet remained in the United States, and retired to the interior of the State of New York, where he lately deceased. He was succeeded by Mr. Fauchet, whose agency was no less conspicuous, though conducted with more regard to diplomatic usage than Mr. Genet's.

In the prosecution of the war, between France and England, in 1793, two serious difficulties arose. The French having immense armies on foot, and the laboring population having been drawn forth by military conscriptions, the want of provisions became very pressing. France depended, to some extent, on supplies from America. The English had the command of the ocean, and, in June, issued an order to stop all vessels bound to France, loaded with flour, corn, or meal; and to take them into port, unload them, pay for the cargoes and freight, and then liberate the vessels. There was no doubt, that this was a strong measure, and whether defensible, or not, on any construction of the law of nations, it is not the present purpose to inquire. The order gave great dissatisfaction in the United States.

The other difficulty was, that the British then began to impress seamen from American vessels. Impressment has been an immemorial usage in England; and she asserts the right of taking her own subjects, wherever found, in time of war. The difficulty of distinguishing between her own, and other subjects, often led to the impressment of Americans. This became a subject of

very serious and just complaint. Whether England might take persons out of American vessels, who were born British subjects, but who had been naturalized in the United States, was another point of difference. England contended that her subjects can never abandon their allegiance, and may be taken on the high seas from any but a national vessel of war. During the administration of Mr. Jefferson, and that of Mr. Madison, the protection, not only of *naturalized* persons, but of all persons, sailing in merchant vessels, bearing the American flag, was contended for, and was fostered into one of the causes for declaring war. This point remains as it was, forty years ago, though rather worse for the war, undertaken to sustain the American pretension. From the national similarity of the English and Americans, it is apparent, that it is a subject of intrinsic difficulty; and one that can be settled only by a course of negotiation, little likely to occur.

LETTER XIV.

March 6, 1833.

The effect of the aggressions of England during the year 1793, and the partiality for France were apparent, at the next meeting of Congress, on the 4th of December. There was a majority of about ten votes against the administration, as appeared in the choice of speaker. The opposition supported Mr. Muhlenberg, the federalists Mr. Sedgwick. Thus it may be considered, that the federal administration was destined to fall, and that the political system which the federalists had founded, would, "ere long," pass into the hands of those who had always been its enemies.

The speech of Washington, at the opening of the session, was comprehensive and luminous, and well deserves the study of all

who would understand the elements of the great political events which followed. Mr. Jefferson (Secretary of State) presented his detailed and ingenious report on commercial relations. This also deserves an attentive study, since it shows the principles of the policy which was carried into effect under his presidency. As these are matters of history, ably set forth in Marshall's fifth volume, it would be only transcription to notice them more fully; nor would it be expedient to do so, in these hasty sketches. Mr. Jefferson had intimated his intention to resign his office some months before this time. He was prevailed on (as he says) to remain, until the 31st of December, 1793, and then withdrew. The most *favorable* account of Mr. Jefferson's official conduct, by any judicious and impartial writer, is that given by Chief Justice Marshall, who is incapable of doing injustice to any man, even when a political opponent. On this occasion he was telling truth, with the sanction of his own high reputation, and on as interesting a subject as ever engaged the attention of any historian—*The Life of Washington.* It is rather to be supposed, from his well-known character, that he was careful not to make himself liable to the imputation of having performed a trust, unfavorably to one, whose opinions he might not have approved.

This able historian's view of Mr. Jefferson at this period, should be considered, because it gives a key to his subsequent political life. Chief Justice Marshall says, at a time when Mr. Jefferson was *living*, (vol. v. 488,) among other things: "This gentleman withdrew from political station, at a moment when he stood particularly high in the esteem of his countrymen. His fixed opposition to the financial schemes proposed by the Secretary of the Treasury, and approved by the legislative and executive departments of the government; *his ardent and undisguised attachment to the revolutionary party in France; the dispositions which he was declared to possess in regard to Great Britain;* and the popularity of his opinions respecting the constitution of the United States; had devoted to him that immense party, whose sentiments were supposed to comport with his on most, or all these interest-

ing subjects. To the opposite party, he had, of course, become particularly unacceptable. But the publication of his correspondence with Mr. Genet, dissipated much of the prejudice which had been excited against him. He had, in that correspondence, maintained, with great ability, the opinions maintained by the federalists on those points of difference, which had arisen between the two republics. The partiality for France, which was conspicuous through the whole of it, detracted nothing from its merits, in the opinion of the friends of the administration, because, however decided they might be to support their own government in a controversy with any nation whatever, they felt all the partiality for that nation, which the correspondence expressed. The hostility of his enemies, therefore, was for a time considerably lessened, without a corresponding diminution of the attachment of his friends.

"*In office* it would have been impracticable long to preserve these dispositions. And it would have been difficult to maintain that ascendency which he held over the minds who had supported (and would probably continue to support) every pretension of the French Republic, *without departing from principles and measures which he had openly and ably defended.*"

It may not then have been Mr. Jefferson's love of his "clover fields," and desire of retirement, that carried him back (31st December, 1793) to Monticello; but his perception of the same truths which were obvious to the historian. It is well remembered that Genet openly charged Mr. Jefferson with having "*a language official, and a language confidential.*"* He may have entertained very different opinions as secretary, from those which he entertained as a man, and which he might fearlessly act upon when he had attained to the presidency.

Mr. Jefferson mentions Chief Justice Marshall several times, in his volumes, with some sensibility. In writing to his old friend John Adams, under date of January 15, 1813, (vol. iv. 195,) he

* Mr. Jefferson, in a letter to Mr. G. Morris, says: "If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government."

remarks: "Marshall has written *libels* on one side; others, I suppose, will be written on the other side; and the world will sift both, and separate the truth as well as they can."

The session of Congress commenced on the 4th of December, 1793, was one of the most important and interesting that had hitherto occurred. It intimated the motives of parties, as they have since been developed, in public affairs. Both branches were composed of able men, and among them were some of the most eminent. The House of Representatives was nearly equally divided on great questions. The members who might be regarded as the most prominent in the Senate, were George Cabot, Caleb Strong, Oliver Ellsworth, Aaron Burr, Rufus King, Robert Morris, Albert Gallatin. In the house of Representatives, were Abraham Baldwin, William B. Giles, William B. Grove, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, F. A. Muhlenberg, Josiah Parker, Thomas Sumpter, Abraham Venable, Alexander White, who voted generally together. And on the other side, were Fisher Ames, Robert Barnwell, Egbert Benson, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, William Hindman, Daniel Huger, Philip Key, John Laurence, Samuel Livermore, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Jeremiah Wadsworth, Artemas Ward, who on most occasions voted together; and sometimes Elbridge Gerry voted with them.

To such men fell the duty of investigating the principles which ought to regulate commercial relations with all foreign countries, and at a time when all Europe was in the paroxysm of revolution; and when the Mediterranean commerce was at the mercy of the Algerines; and the citizens of this country divided almost to the line of civil war, among themselves. In this high excitement the fortress which was to be demolished, or protected, was the Washington administration.

The first great legislative movement arose on Mr. Madison's resolutions on commercial affairs, presented on the 4th January,

1794; (founded on Mr. Jefferson's report.) This gentleman had disclosed similar views on the subject of tonnage duty, at the first Congress. The debate was long and acrimonious. The feelings of the House, and the character of the debate, may be judged of from this incident: Mr. Ames said, the resolutions had *French* stamped on the very face of them.

Josiah Parker, of Virginia, replied, that he wished there was a stamp on every forehead, to designate whether he was for France or Britain.

The two parties were so nearly balanced in the House of Representatives, that measures, deeply affecting the permanent interests of the United States, might be settled by majorities not exceeding five. In the Senate, the Vice President had, repeatedly, to settle the most important questions by his casting vote. An act to cut off all intercourse with Great Britain, passed the House by a small majority; in the Senate its fate depended on the casting vote of the Vice President, who voted against it.

Inquiry into the official conduct of Hamilton, as Secretary of the Treasury, was renewed at this session. Mr. Giles, Mr. Monroe, Mr. Venable, all Virginians, and all of them personal enemies of the Secretary, conducted the inquiry with the utmost scrutiny; but their efforts, even in these bitterest times of party, were unavailing. The result was most honorable to the Secretary.

The great subjects suggested in the President's message, and in official reports, at the early part of the session, were under consideration in the two branches, from the beginning of January to the 16th of April. The French excitement could rise no higher among the people. They insisted that the friends of France should declare themselves by wearing the national cockade. They insisted, too, on war against England: and that every motive of self-respect, and justice, forbade a moment's delay; while every motive of gratitude to the nation which had made us free, and were now struggling to maintain their own freedom, demanded all our aid. In the two branches of Congress the war

of words disclosed a state of feeling which the decorum of the place hardly restrained from full expression.

We live now in times of some interest; and which ought to be far more interesting than they are. No one, not old enough to remember the state of feeling at that time, can have any conception, from what is now experienced, of the intense excitement which then prevailed.

LETTER XV.

March 9, 1833.

In this state of things, Congress, and the whole country, were brought to a sudden pause, by the appointment of John Jay, then Chief Justice of the United States, to be Envoy Extraordinary to Great Britain. This was an unexpected blow to the French party. As soon as they could rally, the administration was attacked, not only for the measure itself, that is, opening a negotiation at all, but especially, that the President should have nominated such a man as John Jay, and furthermore, a judicial officer. It may be some relief in recurring to these dry and forgotten facts, to state what is recollected of the personal appearance and conduct of Mr. Jay.

Soon after Mr. Jay's appointment to the office of Chief Justice, he came to Boston to hold a court. As now remembered, his personal appearance indicated his origin. He was descended from one of the French Protestant families, usually called Huguenots. This name, which is of uncertain derivation, was, like Puritans, given to a certain class of Christians. It will be recollected that in 1598, when Henry IV. fought his way to the crown, he issued the edict of Nantz, by which he assured to all his Protestant subjects, the rights and privileges enjoyed by those

who were Catholics. In 1685, this edict was revoked by Louis XIV.; at the instigation, it is said, of one of his female favorites, who had great power over him.

The Huguenots escaped from France, and carried with them skill, talents, industry and property, and established themselves in different parts of Europe. Many families found their way to America in the course of time. France is supposed to have lost, by persecution and emigration, a million of its best subjects. Mr. Jay's family came over, and settled in New York. He was born in this country. He was forty-four years of age when appointed Chief Justice in 1790. His height was a little less than six feet; his person rather thin, but well formed. His complexion was without color, his eyes black and penetrating, his nose aquiline, and his chin pointed. His hair came over his forehead, was tied behind, and lightly powdered. His dress black. The expression of his face was exceedingly amiable. When standing, he was a little inclined forward, as is not uncommon with students long accustomed to bend over a table. His manner was very gentle, and unassuming. This impression of him was renewed in 1795, in New York. He had returned from his mission to England in that year, and had been chosen Governor of New York, which office he assumed in July. He was then about fifty, (December, 1795.) His deportment was tranquil and unassuming; and one who had met him, not knowing who he was, would not have been led to suppose, that he was in the presence of one eminently gifted by nature with intellectual power, and who had sustained so many offices of high trust and honor. About six years after this time, he retired from public life, and almost from the world, and passed the remainder of his days at the family estate at West Chester. He took no part in political affairs, and was not publicly heard of, except in two or three instances, when he answered inquiries concerning facts within his knowledge.

History will assign to John Jay an elevated rank among the great; not only so, it will place him equally high among the pure

and the virtuous. Throughout his useful and honorable life, he was governed by the dictates of an enlightened Christian conscience. He thought and acted under the conviction, that there is an accountability far more serious than any which men can have to their fellow men. The bravest soldiers, and the worthiest statesmen, have ever been those who believed in such accountability.

Other events of the year 1794 remain to be mentioned. Congress adjourned June 9th, in very ill humor. In February before, Mr. Fauchet had arrived as minister from France, having with him two associates, or counsellors, of consular rank. The French government requested the recall of Mr. G. Morris, who had taken no pains to conceal his disapprobation of the revolutionary proceedings. This was complied with, and Mr. Monroe, to whom no such objection could be made, was his successor.

In August, 1794, the whisky rebellion had taken so serious a character in Pennsylvania, that an army was formed, composed of volunteers from that state, and detachments of militia from New Jersey, Maryland, and Virginia. The Governor (Mifflin) exerted himself very honorably on this occasion; and took command of the troops of his state. The Governor of New Jersey commanded the troops of that state. Those of Maryland and Virginia, as well as the others, were under command of General Henry Lee, then Governor of Virginia. When these troops had assembled at two respective places of encampment, Washington visited them, and directed Hamilton to accompany them to the West. The insurgents did not venture to meet this force; and the rebellion ceased without conflict. Two individuals were tried and convicted, and afterwards pardoned. No further opposition was then made to the excise law. It is supposed that this rebellion was instigated by some men of intelligence and influence; but there is no such certainty of this as would justify the mention of names.

During this year the democratic societies, or Jacobin Clubs, had extended themselves over the whole country, and took a most

active and offensive part against the administration. They assumed that "the people" had the right to dictate to the government the measures to be pursued; and that they were "the people." These societies were attacked in various ways from the press and otherwise; sometimes by severe reproach, and sometimes by satire. They gradually became odious, and disappeared.

In 1794 the celebrated Talleyrand was in the United States. He had been required to leave England. In July and August he was in Boston. His personal appearance was as remarkable as his character. His height was above middle stature, hair light, complexion sallow, eyes blue; mouth wide and far from handsome. His body was large, and protuberant in front, his lower limbs remarkably small and his feet deformed. He declined speaking English, whether he could, or not. He may have been about forty years of age. The expression of his face was tranquil, and his manner that of a cool observer. Little is known of what he did observe, except from a small publication which he made on his return to France.* No man lives who has seen a greater variety of fortune. The world would be his debtor, if he should bestow upon it his knowledge of the secret springs of political events. This is not to be expected. He will probably withdraw with little solicitude as to what is said, or done, believed or discredited, after he is gone.†

At the close of the year, 1794, General Knox resigned his

* It is entitled, Memoir concerning the Commercial Relations of the United States and England; by citizen Talleyrand, read at the National Institute; 15 Messidor year V.

† While in this country on a visit to the city of New York, Talleyrand frequently dined at the table of a lady, but lately deceased. She described him as having been lame, possessing an intelligent countenance, with long light hair, parted in the centre of his forehead, and a very expressive eye. He would sometimes, during dinner, rest both of his elbows on the table, supporting his face between his hands, and carry on a conversation with his mouth so full that he could scarcely articulate. She also said, that he would oftentimes cut up all the meat on his plate into small pieces, press piece after piece upon his fork until the prongs were full, then thrust it into his mouth, and closing his teeth, pull at the fork until it left every piece in his capacious jaws.

place as Secretary at War, and came to Boston. His successor was Timothy Pickering, who was at that time Postmaster General. When Hamilton returned from the western expedition towards the close of the year, he gave notice that he should resign on the 31st of January following. His successor was Oliver Wolcott.

The last important public act of Hamilton, and perhaps not inferior to any one, was a report on the means of sustaining the public credit, embracing a comprehensive view of the system which he had pursued. The unexpected reduction of the public debt* is entirely the consequence of Hamilton's measures. He may safely rest his fame, as a statesman, on his labor and success in placing the public credit, so essential in war and in peace, on a firm foundation. It is perfectly in keeping, that anti-federal rulers should assume to have won the plumes which they found in the seats of their predecessors, and should wear them with the insolence, which is the privilege of plunderers.

LETTER XVI.

March 11, 1833.

Mr. Jay arrived in England in June, 1794. In November a treaty was signed. It arrived in the United States on the 7th of March following. The President, to prevent the pre-occupation of the public mind, did not allow its provisions to be known by any person but Mr. Randolph. Yet within two days, a series of essays was commenced in a newspaper in Philadelphia, condemning the treaty in the most opprobrious terms. The treaty had not been published in England; and no copy had been received by the British minister. The President was astonished at the publication, and had no suspicion of the channel through which it occurred.

* This refers to the reduction of the public debt under Andrew Jackson.

The Senate was convened on the 9th of June. Pending the discussion in the Senate, one of the opposition members, Mr. Mason, of Virginia, took a copy and caused it to be published in a Philadelphia paper. The whole country was immediately inflamed. Not only the opposition, but a large portion of those who had supported the administration, were against the ratification. The former now attacked the President personally, through the public papers. They denied to him all qualifications of a statesman, or even of a soldier. They charged him with being the tool of England, and with having fraudulently drawn money from the treasury. Addresses were sent in from nearly all the seaports, and from many interior towns, stating the reasons why the treaty should not be ratified. In Boston, at a town-meeting, there was but one man who raised his voice in favor of it. But the chamber of commerce, composed of all the respectable merchants, sent, almost unanimously, their address of approbation.

Amidst all this ferment Washington stood as firm and undisturbed as he had ever done, relying on the consciousness of performing his duty, with all the intelligence which could apply to the subject. His letter to the Selectmen of Boston, is worth transcribing, to show the serenity of a great and good mind, under as trying circumstances as can occur to any man.

UNITED STATES, 28th July, 1795.

GENTLEMEN:

In every act of my administration, I have sought the happiness of my fellow-citizens. My system, for the attainment of this object, has been, to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; to confide, that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the permanent, and substantial interests of our country. Nor have I departed from this line of conduct, on the occasion which has produced the resolutions contained in your letter of the 13th inst.

Without a predilection for my own judgment, I have weighed,

with attention, every argument which has at any time been brought into view. But the constitution is the guide which I never can abandon. It has assigned to the President the power of making treaties, with the advice and consent of the Senate. It was doubtless supposed, that these two branches would combine, without passion, and with the best means of information, those facts and principles on which the success of our foreign relations will always depend; that they ought not to substitute, for their own convictions, the opinions of others; or to seek truth through any channel but that of a temperate and well informed investigation.

Under this persuasion I have resolved on the manner of executing the duty before me. To the high responsibility attached to it, I freely submit; and you, gentlemen, are at liberty to make these sentiments known, as the grounds of my procedure. While I feel the most lively gratitude for the many instances of approbation from my country, I can no otherwise deserve it than by obeying the dictates of my conscience.

With due respect, I am, Gentlemen, Your Ob't.

GEO. WASHINGTON.

The treaty was ratified on the 24th of June, by precisely the constitutional majority, (two-thirds,) after an investigation continued from the 9th of the same month.

At the very time when these addresses were pouring upon the President from all quarters, an incident occurred of deep interest to him, to his Secretary Mr. Randolph, and to the whole country. It also disclosed the character of French diplomacy, under the new republic, in a very unexpected manner. The unfortunate French nation had voted down the only rational support of public and private morals. They had raised a deity, whom they called Reason, and to whom they rendered their worship. With such creed, worship, and their national enthusiasm, they had become a terrible people to the civilized world. They were so thought of by the considerate people of the United States. But not by the opposition to Washington, and his measures. Clearly, not by Mr.

Jefferson. He, on the contrary, beheld in the success of French power, diplomatic and martial, the overthrow of "monarchists, Anglomen, and federalism;" the downfall of England, and the fruition of all the blessings, which he and his associates had to bestow on his country, as soon as the opportunity should arrive.

LETTER XVII.

March 17, 1833.

Mr. Fauchet's instructions and authority appear to have been much of the same import with those of Genet, but he was much more of a diplomatist. In October he framed a dispatch, giving his views of the state of the country, and of parties, and an account of his intercourse with the friends of France in the United States. His communication was sent by the Jean Bart, a French privateer, which was captured by a British frigate. As the frigate's boat approached the privateer, Fauchet's dispatches were thrown overboard. There was an English captain on board the privateer, whose ship the privateer had taken. This captain followed the dispatches, (supposing them to be his own ship's papers,) seized them, and kept afloat till the frigate's boat came to him. These were sent to Mr. Hammond, British minister at Philadelphia, and by him delivered to Mr. Wolcott, who carried them to the President as soon as he returned from Mount Vernon, the 11th of August. Mr. Wolcott had received them the 28th of July.

Every one who remembers anything of the political events of that day, cannot have forgotten "the precious confessions" of Edmund Randolph, then Secretary of State. Whether Fauchet told the truth or not, this is his language: "Two or three days before the proclamation" (of the President on the western insurrection) "was published, and of course before the cabinet had

resolved on its measures, the Secretary of State came to my house. All his countenance was grief. He requested of me a private conversation. It is all over, he said to me; a civil war is about to ravage our unhappy country. Four men by their talents, their influence, and their energy, may save it. But, debtors of English merchants, they will be deprived of their liberty if they take the smallest step. Could you lend them instantaneously funds sufficient to shelter them from English prosecution? This inquiry astonished me much. It was impossible for me to make a satisfactory answer. You know my want of power and deficiency in pecuniary means." "Thus with some thousands of dollars the Republic could have decided on civil war or peace. Thus *the consciences of the pretended patriots of America have already their prices.*" "What will be the old age of this government, if it is thus already decrepit!"

When the dispatches of Fauchet were made known to the President, he was still deliberating on the ratification of the treaty. The causes of Mr. Randolph's determined opposition, and of the advice which Randolph had so often given in his official station, were now fully disclosed. On the 12th the President held a council with his three secretaries, (Pickering, Wolcott and Randolph,) on the ratification, probably to see for himself, among other things, the manifestation of Mr. Randolph's views. He continued to treat Mr. Randolph with his usual courtesy, while the dispatches were in the hands of the translator; and on the 15th and 18th received Mr. Randolph at his table. On the 19th, while the President was conversing with Mr. Pickering and Mr. Wolcott, Randolph came in. The President rose and presented to him the intercepted letter, and requested him to explain it, if he could. Perceiving his confusion, the President proposed to him to step into another room and consider of it. He presently returned, and said he would make his explanation in writing. Soon after he resigned. Mr. Randolph published a defence, after following Mr. Fauchet to Newport, (Rhode Island,) whither Fauchet had gone to embark for France. Mr. Randolph reached

Newport on the 31st, but failed to obtain a countervailing certificate. Fauchet promised it, but sailed without giving it. In the midst of all these vexations the President ratified the treaty on the 14th of August.

The general sentiment at the time was, that Mr. Randolph had abused the confidence which the President placed in him, and that his party devotion had subjected him to severe reproach. To what extent Mr. Randolph was culpable, it is not material to inquire. With Mr. Randolph, as an individual, there is no intention to interfere, but only to show what the state of the country was, and what the influence of French feeling was.

Mr. Randolph (at Richmond) in the autumn of 1796 had returned to the practice of the law. He was obviously under a cloud. His appearance was that of a dejected being. Mr. Randolph was a man of large person, with a heavy, grave face. His reputation, as a lawyer, was very respectable. At this day, candor compels us to say, Mr. Randolph had no treasonable views with regard to his own country. He may have been so misled by the excitement of the times, as to have justified to himself anything that would tend to the injury of England, and to the benefit of France. But how far he could justify his acts on this ground, while he held the station of Secretary, and had the confidence of the President, is quite another consideration.

Timothy Pickering, who was at this time Secretary of War, was charged with the duties of Secretary of State on Mr. Randolph's resignation, and appointed to this office in December following. In January following, James McHenry was appointed to the office which Mr. Pickering had left. Between the month of August and the end of the year, several events occurred, which will merely be mentioned to keep up the connection with those more interesting.

Favorable treaties had been made with the Indians in the west and in the south; of the latter we have lately heard something in connection with the movements in Georgia. The Algerines had taken our vessels, and held many Americans as slaves. A treaty

was made with them, as the United States had no maritime force to prevent their aggressions. There had been indications, that some arrangement might be made with Spain concerning the disputed rights on the Mississippi, and on the navigation of that river. William Short, of Virginia, was minister resident in Spain, and was succeeded the next summer by a gentleman of South Carolina, Thomas Pinckney, usually called Governor Pinckney, to distinguish him from Charles Cotesworth Pinckney, and his brother Thomas, then minister at London.* Governor Pinckney was not of the family of Charles and Thomas, unless by some remote relation, and was a very different character from either of them. There was a fourth gentleman (William) of this name, of much celebrity, and especially in the profession of the law. He was not of the Pinckney families of South Carolina. He was of Maryland, and his name was written Pinkney.† The two brothers, in

* This is an error. Thomas Pinckney, the brother of Charles C. Pinckney, and minister at London at the time Mr. Jay was sent there as Envoy Extraordinary, was, while at London, commissioned as Envoy Extraordinary to the Court of Spain, and succeeded William Short. This gentleman negotiated the treaty of 1795, with Spain, and not Governor Pinckney, whose name was Charles, for some time a Senator from South Carolina, and was sent subsequently to Spain.

† As there may not be occasion to mention Mr. William Pinkney again, this opportunity is taken, to record an anecdote illustrative of his singular habits and peculiarities. He was a great dandy in his dress, but a very able advocate and distinguished lawyer. He was often retained from distant states for important causes. This occurred at Boston, when Judge Parsons was Chief Justice of Massachusetts. On a certain day, the cause was called up in the Supreme Court for argument, but Mr. Pinkney did not answer to his name. The Court were displeased, and became impatient, when, after some delay, the gentleman made his appearance. He was dressed in a green riding coat, Wellington boots, somewhat splashed with mud, with white kid gloves, and carried a light whip in his hand. He addressed the Court: "I am sorry to have kept the Court waiting!" "The Court are also sorry, Mr. Pinkney," replied the Chief Justice somewhat sharply. Nettled at this retort, Mr. Pinkney stated, that he had that morning started upon a ride, having forgotten this cause, but on its recurring to his mind, when some miles distant from the city, he had hastened back with all speed. Mr. Pinkney appeared for the defendants. The argument was opened for the plaintiffs, and Mr. Pinkney sat listlessly whipping his boot with his riding cane, apparently bestowing but little attention upon

pursuance of their father's positive direction by will, received the best education, and were at Westminster School in England and at Oxford; and were admitted to the bar in London. Both of them served in the war of the revolution; and both of them were among the most honorable and excellent of the land. They were afterwards candidates for the presidency. Thomas was a man of about six feet in stature, of well formed, thin person, of tranquil, modest appearance, and had the reputation of being a person of high intellectual cultivation, and was certainly of most amiable deportment. Being one day on the edge of the cliff, which overlooks the falls of the Mohawk river, he employed himself in loosening some large stones to roll down the precipice. As they descended, he repeated lines from the Latin and Greek poets which are descriptive of the noise made by the rolling, rapid descent of a stone.

Charles, the elder brother, made a visit to the east in 1804, and passed the summer at Boston and in its vicinity. He was of middle stature, and rather a full person compared with his brother. He was quite bald on the top of his head; his hair was short and gray at the sides. His countenance was grave, but the expression was intelligent and amiable; his manners calm and dignified. He was one of those who carry, in their appearance, the certificate of having always been gentlemen. He wore boots and spurs constantly, and was said to wear them even on ship board. Thomas,

the efforts of his opponent. At last taking off one glove, he drew a rich card-case from his pocket, extracted a card, and using the top of his hat in lieu of the desk before him, made a few memoranda, as the argument proceeded, with a pencil. These were his only notes. His turn soon came, when he arose, and made one of those beautiful arguments which had secured him his fame, exhibiting rare research, and great learning. One of the gentlemen opposed to him, being convinced that no man was capable of such an effort without great preparation, determined to ascertain whether Mr. Pinkney had spoken, as he endeavored to make it appear, without any previous study. He asked Mr. Pinkney's servant, a colored man brought from Baltimore, where his master had been the night previous.—"Massa," said the boy, "was at home and sat up all night a studying." This explained the mystery.

though not joined in the commission, was Mr. Jay's assistant and counsellor in the negotiation at London in 1794. Of Charles, there will be occasion to speak again. He was probably about sixty years of age in 1804.

LETTER XVIII.

March 20, 1833.

The year 1796 was one of perplexing embarrassment to the government, from the manner in which England and France conducted their war. It was made still more so by Mr. Adet, who came over in June, 1795, as successor of Fauchet. This gentleman was incessantly complaining of infractions of the treaty with France, and of the violation of neutrality. He lost no opportunity of reminding the Americans of their debt of gratitude to France, though if the true motives of the French in giving their aid were known, it would probably deduct essentially from the moral obligation, however important the acts done may have been. When Mr. Monroe went to France he had a most brotherly reception; tears in every eye; all which he duly reciprocated. He carried with him the American flag to present to the National Assembly; by what authority this was done, does not appear. Mr. Adet brought out a French flag, to return the compliment. New Year's day was appointed for the presentation of this flag to the President. Among other things, Mr. Adet said, "I am convinced that every citizen will receive, with a pleasing emotion, *this flag*, *elsewhere* the terror of the enemies of liberty; *here*, the certain pledge of faithful friendship;—especially when we recollect, that it guides to combat men who have shared their toils, and who were prepared for liberty, *by aiding them to acquire their own.*" This speech drew from Washington that memorable reply, uttered

with the full dignity of the man, and of the office which he filled: "Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my country; my anxious recollections, my sympathetic feelings, and my best wishes are irresistibly excited, whensoever in any country, I see an oppressed nation unfurl the banners of freedom."

He finished with saying,—"I rejoice that liberty, which you have so long embraced with enthusiasm, now finds an asylum in the bosom of a regularly organized government."

The flag so presented, and so accepted, was deposited in the "archives," as like things are, and not in view, as the French minister intended it should be. On the 9th of the same month he wrote a letter of complaint to the Secretary of State, that the flag had been so *shut up;* and demanded that it should be exalted and displayed in the House of Representatives; and said, that the disposal made of it would be looked upon by the Republic as a mark of contempt or indifference." But he had, as he had often occasion to know, a sturdy old Roman to deal with in Timothy Pickering, and the flag remained where it was.

Soon after Mr. Adet complained of the *impressment* of American seamen by the British, as a wrong done to France; and that the United States were thereby voluntarily strengthening the enemies of the Republic, and endangering the liberties of his country. And again, happening to see an almanac, in which the order of foreign rank, therein published, placed England and Spain before the Republic, he sent a formal letter demanding a correction of this injustice, or a disavowal of it, by the executive. Mr. Pickering answered, that Americans printed almanacs as they pleased, and that the government had nothing to do with it; but added, for his consolation, that there was an almanac printed in Boston, in which the Republic was ranked first.

Such trifles show the temper of the times; but there are other things of far different import. The controversies about armed

vessels, public and private, within the waters of the United States, both English and French, kept the cabinet in constant agitation. Besides these occurrences, French privateers, which had the right by treaty to come in, waylaid and captured American vessels, in some instances, within two hours after pilots had left them, and carried them to the West Indies for consular condemnation. Controversies arose, also, on the construction to be given to shipments of merchandise, by the law of nations, and by the existing treaties, which were closely argued in diplomatic intercourse with the French minister. He was sustained throughout, by the French Americans, who considered all he said and did to be right, and that all their own government did was entirely British, and intended to be so. But impartial history will show, that never did any executive government struggle harder, and with good temper too, to adhere to the principles of strict neutrality, and to keep out of the war which was overwhelming Europe. As to the complaints made by the French minister, and the manner in which they were answered, these may be found (among public documents accompanying a message to Congress, January 17, 1797) in the very able letter of the Secretary of State to Mr. Pinckney, at that time minister to France.

When the treaty with Great Britain took effect, by the interchange of ratifications, the whole country rung with renewed clamor, in which Washington's public services were remembered only as matters of reproach. At the session of Congress which commenced December, 1795, and continued into the summer of 1796, Theodore Sedgwick, of Massachusetts, moved a general proposition for making the laws, necessary for carrying the treaties into effect made with Algiers, the Indians, Spain, and Great Britain. The latter was soon separated from all the others, and the most ardent and most eloquent, and at the same time, most acrimonious debate ensued, ever known in the House of Representatives. Mr. Livingston, then of New York, and afterwards minister to France, began by moving, that the President should be called on for all the papers relating to the negotiation of the treaty.

This motion was vehemently debated, and, after some days, carried by a majority of fifty-seven to thirty-five. The President answered, with his accustomed coolness and dignity, stating his reasons why the House of Representatives, which has no part in the treaty-making power, cannot be constitutionally entitled to the papers called for; and concluded with saying, "a just regard to the constitution, and to the duties of my office, under all the circumstances of this case, forbid a compliance with your request." This refusal was received with an indignation which the majority were at no pains to conceal. The same spirit was widely disseminated through the country, and everybody felt wise enough to settle the constitutional question, whether the President was right or wrong, in this refusal.

Most fortunately for the United States, as afterwards appeared from the operation of the treaty, public opinion had undergone an important change. Popular meetings were again held, and though many of the provisions of the treaty were thought to be objectionable, and though omissions were thought to be apparent, yet it could not be doubted that a majority, composed of the most respectable and intelligent citizens, were in favor of carrying the treaty into effect, with entire good faith. It is worthy of remark that Mr. Fox, in the British Parliament, complained that the treaty was very unfavorable to England. It is known, from Mr. Jay's, and from Mr. Pinckney's communications, that the treaty was as favorable to this country, as could have been obtained.

The popular sentiment was felt in the House of Representatives, and probably had an important influence on the final result. The debate necessarily took the widest range. Europe—the belligerents—the character of the war—our condition—inevitable consequences—dissension among the branches of the government—popular enthusiasm—interest—duty—honor—inflamed party-spirit—war—means wholly inadequate—confusion and anarchy—all figure in this memorable debate, and with the full glow of party excitement, which seemed to have been gathering from the first institution of the government, to storm forth on this occasion.

All this may be seen in the mere printed skeleton of debate, which is silent as to tones, looks, and gestures. In a former page, the part which Mr. Ames took, on this occasion, has been noticed. Notwithstanding the state of his health, his speech comprises thirty-five closely printed octavo pages in Dr. Kirkland's compilation. This extract will give some idea of the character of the discussion: "Our understandings have been addressed, it is true, and with ability and effect; but, I demand, has any corner of the heart been left unexplored? It has been ransacked to find auxiliary arguments; and when that failed, to awaken the sensibility that would require none. Every prejudice and feeling has been summoned to listen to some peculiar style of address; and yet we seem to consider a *doubt* as an affront, that we are strangers to any influence but that of unbiassed reason."

In committee of the whole, the question on making laws to carry the treaty into effect, rested on the casting vote of the chairman. The final question in the House was carried by a majority of three only, fifty-one to forty-eight. It may gratify curiosity to mention some of the individuals who were then members of this branch of the legislature. Among those who voted, that it was expedient to make laws for carrying the treaty into effect, were, Fisher Ames, Theophilus Bradbury, Nicholas Gilman, Roger Griswold, R. G. Harper, James Hillhouse, Theodore Sedgwick, Jeremiah Smith, William Smith. Among those who voted in the negative were, Abraham Baldwin, Thomas Blount, Thomas Claiborne, Henry Dearborn, Albert Gallatin, William B. Giles, Wade Hampton, Edward Livingston, Nathaniel Macon, James Madison, Joseph B. Varnum. In all, fifty-one for, forty-eight against the measure.

With a view to make known to France the true state of the country, and to remove all erroneous impressions, the President contemplated a special mission thither. He had the further inducement, that he was not satisfied with the ministry of Mr. Monroe. But finding that he was not authorized, as he considered, to *create* an office, without the assent of the Senate, but only to

fill vacancies in an existing office, the design was relinquished. Mr. Monroe was recalled, and Charles Cotesworth Pinckney was appointed in September, 1796. Mr. Monroe took offence at being displaced, came home, and published a volume of justification, which probably aided him in attaining to the presidency. He therein assumes to say, that if a rupture should happen with France, it would not be occasioned by the misconduct of France, but by Washington's policy, which Monroe calls "*short-sighted and bad.*"

LETTER XIX.

March 22, 1833.

Soon after the adjournment of Congress, (June 1, 1796,) the President engaged himself in attempting the liberation of Lafayette. It will be remembered, that Lafayette, in the early part of the revolution, considering himself unsafe in France, retired from it, intending to find safety on neutral ground; and that he was taken by an Austrian patrol, and detained in a dungeon several years, first in the Prussian dominions, and afterwards within those of Austria. The President directed Mr. Pinckney, minister in London, to speak to the ministers from Prussia and Austria, concerning the interest felt by him in the fate of Lafayette. Finding that the object of his compassion had been transferred to the Emperor of Austria, he wrote a letter to him on the subject. What effect this measure had, does not appear. In 1796, Dr. Bollman was in this country. He had made a gallant attempt to free Lafayette, together with a young gentleman of South Carolina, (since known as Colonel Huger,) which was nearly successful. Bollman was a German; he had nothing in his common deportment, of the zeal and enterprise which such an attempt would

imply. He was a tranquil, quiet gentleman; with the air, nevertheless, of a very determined man. In the same year, the present Lord Lyndhurst was in the United States, by the name of Copley. He was a tranquil, quiet gentleman, also. He had the reputation of being a good scholar, but he gave no indication, at that time, that he was thereafter to be Lord Chancellor. He was rather above common stature—of thin person, light complexion, and large blue eyes; and of very courteous manners. He was born in Boston, and was carried to England when about two years old, before the revolution. He made many friends here, and in other places at the South; and was much esteemed.

Towards the close of the year, the third election of president engaged the national attention. Washington was earnestly solicited to be a candidate again. All who had opposed his administration, were still more earnest that he should not. Every measure that party feeling and malice could resort to, was taken to render him odious. It is painful to recur to any of these measures, but the character of the times cannot be understood without doing it.

Thomas Paine, an Englishman by birth, came to this country in 1774, and was here during the war. He was a powerful writer for the popular eye. A pamphlet called "Common Sense," gave him some celebrity. The legislature of Pennsylvania voted him £500 for this production. He was secretary to the committee of foreign affairs; but was dismissed for misconduct. In 1787 he went to France, and thence to England, where he wrote "The Rights of Man," in answer to Burke's Reflections on the Erench Revolution; for which he was indicted, but escaped to France. He was a member of the convention which voted for the death of the king. He voted for banishment. In 1793 he wrote "*The Age of Reason*," in derision of Christianity; and in the same year, having fallen under the displeasure of the rulers in France, he was imprisoned; and so continued to be, till the fall of Robespierre, in 1795. He returned to the United States, and died near the city of New York, in 1809, at the age of seventy-three. His

true character may be inferred from his writings. Among the pieces of defamation circulated in 1797, was a letter of Paine, addressed to General Washington, though not intended for his eye, but through the press. It is dated at Paris, July 30, 1796. This letter Benjamin Franklin Bache, editor of the "Aurora," considered sufficiently valuable to be protected by a certificate of copy-right. From this letter one may learn, what sort of opinions some of our countrymen, and especially Mr. Jefferson, then considered it proper to circulate. In relation to the funding system, Paine says—"The Chief of the army became the patron of fraud." "Elevated to the chair of the presidency, you assumed the merit of everything to yourself, and the natural ingratitude of your constitution began to appear. You commenced your presidential career by encouraging, and swallowing, the grossest adulation; and travelled America, from one end to the other, to put yourself in the way of receiving it." Speaking of John Adams and John Jay, (pages 11 and 12,) Paine says, "these are the disguised traitors, who call themselves federalists. John Adams is one of those men who never contemplated the origin of government, or comprehended anything of the nature of first principles." In page 15: "Mr. Washington is known to have no friendships, and to be incapable of forming any—he can serve or desert a cause, or a man, with constitutional indifference." In page 63:—"As to you, sir, treacherous in private friendship, (for so you have been to me, and that in the day of danger,)* and a hypocrite in public life, the world will be puzzled to decide, whether you are an apostate, or an impostor; whether you have abandoned good principles, or whether you ever had any." It is not to be supposed that Mr. Jefferson (who was one of Bache's patrons, as appears from his recommendation to Mr. Madison, to have Bache's paper supported, see vol. iii., p. 387) was ignorant of this national insult, offered to Washington by Thomas Paine. Yet among the earliest acts of power, after Mr. Jefferson arrived at

* Paine applied to Washington to aid him to get out of Robespierre's dungeon; which was declined on the ground, that Paine had made himself a French citizen.

the presidency, was to invite this unworthy person, to take passage in a national ship to the United States. Within a fortnight after Mr. Jefferson had taken his oath of office, he wrote to Paine (vol. iii., 459):—"The return of our citizens from the frenzy into which they had been wrought, partly by ill-conduct in France, partly by artifices practised on them, is almost entire, and will, I believe, become quite so. But these details, too long and minute for a letter, will be better developed by Mr. Dawson, the bearer of this, a member of the late Congress, to whom I refer you for them. He goes in the Maryland, a sloop of war, which will wait a few days at Havre to receive his letters, to be written on his arrival at Paris. You expressed a wish to get a passage to this country, in a public vessel.* Mr. Dawson *is charged with orders* to the captain of the Maryland, to receive, and accommodate you with a passage back, if you can be ready to depart at such short warning. I am in hopes you will find us returned, generally, to sentiments worthy of former times. In these, it will be your GLORY *steadily* to have labored, and with as much effect as any man living. That you may long live to continue your *useful labors*, and to reap their reward in the thankfulness of nations, is my sincere prayer."

Among other things, Washington was charged with committing *murder* in the French war, in 1757; the circumstance alluded to, justified the accusation no more, than if he had been so charged, for what he did at the battle of Monmouth in the revolutionary war.

The forged letters, which had been circulated during the war, (purporting to have been written to family friends by Washington,) to make him suspected by his countrymen of being favorably disposed to the British, were revived and circulated.

The National Gazette, before mentioned as having been edited

* That he might be protected from British capture and carried to England, where he knew public punishment awaited him. The consistent *Wm. Cobbett*, who has lately been *employed* in writing the life of *Andrew Jackson*, caused Paine's bones to be taken up, and carried to England.

by Freneau, a clerk in Mr. Jefferson's office, but more especially the Aurora, edited by Bache, daily came forth teeming with abuse and invective.

The French minister seems to have thought it his official duty to write a letter to the Secretary of State, under date of the 27th October, 1796, containing the most explicit charges of breach of neutrality; and adds, at the close—"that he will cause this note to be printed, in order to make publicly known the motives which, at the present juncture, influenced the French Republic." This note was accordingly printed in a Philadelphia paper, and came forth as soon as the Secretary could have read the original.

LETTER XX.

March 25, 1833.

On the 15th of November, 1796, the French minister wrote another letter, which, though in diplomatic form, and addressed to the Secretary, he caused to be published at the same time, that it might have the effect intended on the public mind; and which might, also, be an impressive monition to the successor of the President. Mr. Adet calls the wise measure of the administration in 1793 "the insidious proclamation" (of neutrality). This letter of the 15th of November is so descriptive of the *fraternization* of Republican France, of which Europe was destined to feel the full effect, while the Republic continued, and while the Emperor reigned, that some extracts from it may be acceptable: "The undersigned minister plenipotentiary, moreover declares, that the Executive Directory regards the treaty of commerce, concluded with Great Britain, as a violation of the treaty made with France in 1778, and equivalent to a treaty of alliance with Great Britain; and that, justly offended at the conduct which the American

government has held in this case, they have given him orders to suspend, from this moment, his ministerial functions with the Federal Government."

"What joy did not the American flag inspire when it waved unfurled in the French Senate. Tender tears trickled from each eye; every one looked at it with amazement. There, said they, is the symbol of the independence of our American brethren! Behold there, the pledge of their liberty. May victory always attend it. May it lead to glory none but a free and happy people! These words, which escaped from a thousand mouths, were the expression of the sentiments of the whole nation. Was not an American to each Frenchman, another Frenchman? He was more—he was a friend; and that sacred name, amidst civil dissensions, was equally respected by all.

"Alas! time has not yet demolished the fortifications with which the English roughened this country; nor those the Americans raised for their defence; their half rounded summits still appear in every quarter, amidst plains, on the tops of mountains. The traveller need not search for the ditch, which served to encompass them; it is still open under his feet. Scattered ruins of houses laid waste, which the fire had partly respected, in order to leave monuments of British fury, are still to be found. Men still exist, who can say, here a ferocious Englishman slaughtered my father; there my wife tore her bleeding daughter from the hands of an unbridled Englishman. Alas! the soldiers who fell under the sword of the Britons, are not yet reduced to dust: the laborer, in turning up his field, still draws from the bosom of the earth their whitened bones; while the ploughman, with tears and gratitude, still recollects that his fields, now covered with rich harvests, have been moistened with *French blood*, while every thing around the inhabitants of this country animates them to speak of the tyranny of Great Britain and of the generosity of Frenchmen; when England has declared a war of death to that nation, to avenge herself for its having cemented, with its blood, the independence of the United States. It was at this moment, their

government made a treaty of amity with their ancient tyrant, the implacable enemy of their ancient ally. O! Americans, covered with noble scars! O! you who have so often flown to death and to victory, with French soldiers! You, who know those generous sentiments which distinguished the true warrior: whose hearts have always vibrated with those of your companions in arms! Consult them to-day to know what they experience; recollect at the same time, that if magnanimous souls, with liveliness, resent an affront, they also know how to forget one. Let your government return to itself, and you will still find in Frenchmen faithful friends, and generous allies.

"Done at Philadelphia, the 25th Brumaire, 5th year of the French Republic, one and indivisible, (15th November, 1796, O. S.) P. A. Adet."

This eloquent appeal, appearing as it did, and when it did, was undoubtedly intended as a *French* invitation to *American* citizens, to elect Thomas Jefferson, President. It was nearly successful. But complete success required the lapse of four years more. To promote the object in view, another measure was adopted, namely, the publication of the queries which Washington had proposed to his cabinet, on the eve of issuing his proclamation of neutrality, in 1793; and to which written answers were required. It seems to have been his practice, to obtain the separate and deliberate opinions of his ministers, and then to form his own. As the queries were entirely confidential, and as the publication of them could not have been made by Hamilton, or Knox, they must have been made by, or with the assent of Jefferson, or Randolph. Jefferson thought proper to write to Washington to exculpate himself. Washington in answering him, uses, among others, these words: "If I had entertained any suspicion before, that the queries which have been published in *Bache's* paper proceeded from you, the assurances you have given of the contrary, would have removed them. . . But the truth is, I harbored

none. I am at no loss to conjecture from what source they flowed, through what channel they were conveyed, nor for what purpose they, and similar publications, appear.

"As you have mentioned the subject yourself, it would not be frank, candid, or friendly to conceal, that your conduct has been represented as derogating from that opinion I conceived you entertained of me; that to your particular friends and connections you have described, and they have denounced me, as a person under a dangerous influence, and that, if I would listen more to some other opinions, all would be well. My answer invariably has been, that I had never discovered anything in the conduct of Mr. Jefferson, to raise suspicions in my mind of his sincerity; that if he would retrace my public conduct while he was in the administration, abundant proofs would occur to him, that truth, and right decisions, were the sole objects of my pursuit; that there were as many instances, within his own knowledge, of my having decided against, as in favor of the person evidently alluded to; and moreover, that I was no believer in the infallibility of the politics, or measures of any man living. In short, that I was no *party* man myself, and that the first wish of my heart was, if parties did exist, to reconcile them.

"To this I may add, and very truly, that until the last year or two, I had no conception that parties would, or even could, go the lengths I have been witness to; nor did I believe, until lately, that it was within bounds of probability, . . hardly within those of possibility,—that while I was using my utmost exertions to establish a national character of our own, independent, as far as our obligations and justice would permit, of every nation on the earth; and wished, by steering a steady course, to preserve this country from the horrors of desolating war, I should be accused of being the enemy of one nation, and subject to the influence of another; and to prove it, that every act of my administration would be tortured, and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject; and that too in such exaggerated and indecent terms as

could scarcely be applied to a Nero . . . . to a notorious defaulter . . . . or even to a common pickpocket.

"But enough of this . . . . I have already gone further in the expression of my feelings than I intended."

Let it not be forgotten, that though Washington seems, to some extent to exculpate Mr. Jefferson, yet, that the base and wicked slanders and criminations of which he complains, appeared in the newspaper edited by Mr. Jefferson's clerk, Freneau, and in that edited by Bache. It will be seen, hereafter, that on one occasion, Washington complained to Mr. Jefferson of the publications, which appeared in Freneau's paper, and also in what manner Mr. Jefferson was pleased to treat that complaint.

LETTER XXI.

March 30, 1833.

On the 7th of December, 1796, Washington met Congress for the last time, and commended to their attention many highly important subjects, some of which have been attended to, and others neglected. He adverted, modestly, to the course which he had pursued in conducting the government, but did not condescend to notice the slanders which had been poured out against him. He had published his memorable *Farewell Address*, in the month of September, 1796.

It is characteristic of Mr. Jefferson, that he makes an attempt to rob Washington, in some degree, of the authorship of this precious legacy; and to transfer it to his friend Mr. Madison. There is not the slightest evidence anywhere, that Washington had any such regard, or respect for Mr. Madison, politically or individually, as to lead to the belief, that this gentleman would have been the selected object of confidence on this delicate and

serious occasion. Mr. Jefferson says,—(in a letter to Judge Johnson, of South Carolina, vol. iv. p. 370,) "With respect to his farewell address, to the authorship of which, it seems, there are conflicting claims, I can state to you some *facts*. He had declined a re-election, at the end of his first term, and so far determined, that he had requested Mr. Madison to prepare for him something valedictory, to be addressed to his constituents on his retirement." When at the end of his second term, when his valedictory came out, *Mr. Madison recognized in it several passages of his draught;* several others, we were both satisfied, were from the pen of Hamilton; and others from that of the President himself. *These* he, probably, put into the hands of Hamilton to form into a whole; and hence it may all appear in Hamilton's hand-writting, as if it were all his composition." That is, Hamilton took Madison's manuscript, and adopted it as his, but to appear as Washington's! The *truth*, in this matter, is now known from the pen of *John Jay*.*

Until the close of his administration, Washington had never publicly noticed the "forged letters;" he then thought it proper to address to the Secretary of State, to be filed in his office, a solemn declaration that they were *forged*.

On the 22d of February, 1797, the citizens of Philadelphia asked Washington's presence at a ball, intended as a mark of their respect. At that time, there was a circus, and an hotel, (known as O'Ellers',) on the south side of Chestnut Street, between Sixth and Seventh Streets. The circus was floored over for dancing, and otherwise suitably prepared; and a settee, with a canopy over it, arranged in an elevated position for Mr. and Mrs. Washington. He did not confine himself to this, but moved about the circus, conversing freely with the company, consisting of citizens, distinguished member of Congress, all foreign ministers, and invited strangers. An opening was made through the wall of the hotel, from the circus, and the company passed through this into the hotel

* See Appendix.—Letter from Hon. John Jay, to the Hon. Richard Peters.

to sup.* On the 4th of March (1797) he was present when John Adams took the oath of office; and he appeared to be sincerely glad, in the manner of his congratulations to the new President, that the care and responsibility of that station, were no longer his own. In two or three days he withdrew from Philadelphia to Mount Vernon, to leave it no more for the residue of his life.† He was sixty-five years of age the 22d of the preceding February.

The following are recollections of Washington, derived from repeated opportunities of seeing him during the three last years of his public life. He was over six feet in stature; of strong, bony, muscular frame, without fulness of covering, well-formed and straight. He was a man of most extraordinary physical strength. In his own house, his action was calm, deliberate, and dignified, without pretension to gracefulness, or peculiar manner, but merely natural, and such as one would think it should be in such a man. When walking in the street, his movement had not the soldierly air which might be expected. His habitual motions had been formed, long before he took command of the American armies, in the wars of the interior, and in the surveying of wilderness lands, employments in which grace and elegance were not likely to be acquired. At the age of sixty-five, time had done nothing towards bending him out of his natural erectness. His deportment was invariably grave; it was sobriety that stopped short of sadness. His presence inspired a veneration, and a feeling of awe, rarely experienced in the presence of any man. His mode of speaking was slow and deliberate, not as though he was in search of fine words, but that he might utter those only adapted to his purpose. It was the usage for all persons in good society, to attend Mrs. Washington's levee every Friday evening. He was always present. The young ladies used to throng around him, and engage him in conversation. There were some of the well-remembered *belles* of that day, who imagined themselves to

* This hotel was shortly after destroyed by fire; and the circus has long since given place to other buildings.

† He appeared once as a grand juror and served as foreman.

be favorites with him. As these were the only opportunities which they had of conversing with him, they were disposed to use them. One would think, that a gentleman and a gallant soldier, if he could ever laugh, or dress his countenance in smiles, would do so when surrounded by young and admiring beauties. But this was never so; the countenance of Washington never softened; nor changed its habitual gravity. One who had lived always in his family, said, that his manner in public life, and in the seclusion of most retired life, was always the same. Being asked whether Washington *could* laugh; this person said, that this was a rare occurrence, but that one instance was remembered, when he laughed most heartily at her narration of an incident in which she was a party concerned; and in which he applauded her agency. The late General Cobb, who was long a member of his family during the war, (and who enjoyed a laugh as much as any man could,) said, that he never saw Washington laugh, excepting when Dr. Thomas of Massachusetts came to dine at head-quarters. This gentleman had a fund of ludicrous anecdotes, and a manner of telling them, which relaxed even the gravity of the commander-in-chief.

General Cobb also said, that the forms of proceeding at head-quarters were exact and precise; orderly and punctual. At the appointed moment, Washington appeared at the breakfast-table. He expected to find all the members of his family, (Cobb, Hamilton, Humphreys, were among them,) awaiting him. He came dressed for the day, and brought with him the letters and dispatches of the preceding day, with short memoranda of the answers to be made; also the substance of orders to be issued. When breakfast was over, these papers were distributed among his aids, to be put into form. Soon after, he mounted his horse to visit the troops, and expected to find, on his return before noon, all the papers prepared for his inspection and signature. There was no familiarity in his presence; it was all sobriety and business. His mode of life was abstemious and temperate. He had a decided preference for certain sorts of food, probably from

early associations. Throughout the war, as it was understood in his military family, he gave a part of every day to private prayer and devotion.

While he lived in Philadelphia as President, he rose at four in the morning; and the general rule of his house was, that the fires should be covered, and the lights extinguished at a certain hour; whether this was nine or ten, is not recollected.

In the early part of his administration, great complaints were made by the opposition, of the aristocratic and royal demeanor of the President. Mr. Jefferson makes some commentaries on this subject, which do no credit to his head or his heart. These are too *little* to be transcribed from the works of this "*great and good man.*" (See vol. iv., p. 487.) Dr. Stuart, of Virginia, wrote to him of the dissatisfaction which prevailed on this subject in Virginia. In the 5th vol. of Marshall, page 164, will be found an extract of Washington's vindication of his conduct; and a most satisfactory one, and which shows the proper character of Mr. Jefferson's "Anas." These complaints related, in particular, to the manner of receiving such visitors as came from respect, or from curiosity, of which there were multitudes. The purpose of Washington was, that such visitors should accomplish their objects, without a sacrifice of time, which he considered indispensable to the performance of his public duties.

He devoted one hour every other Tuesday, from three to four, to these visits. He understood himself to be visited as the *President* of the United States, and not on his own account. He was not to be seen by anybody and everybody; but required that every one who came, should be introduced by his secretary, or by some gentleman whom he knew himself. He lived on the south side of Market Street, just below Sixth.* The place of reception was the dining room in the rear, twenty-five or thirty feet in length, including the bow projecting into the garden. Mrs. Washington received her visitors in the two rooms on the second floor, from front to rear.

* This was the house of Robert Morris before Washington occupied it.

At three o'clock, or at any time within a quarter of an hour afterwards, the visitor was conducted to this dining room, from which all seats had been removed for the time. On entering, he saw the tall manly figure of Washington clad in black velvet; his hair in full dress, powdered and gathered behind in a large silk bag; yellow gloves on his hands; holding a cocked hat with cockade in it, and the edges adorned with a black feather about an inch deep. He wore knee and shoe buckles; and a long sword, with a finely wrought and polished steel hilt, which appeared at the left hip; the coat worn over the sword, so that the hilt, and the part below the folds of the coat behind, were in view. The scabbard was white polished leather.

He stood always in front of the fire-place, with his face towards the door of entrance. The visitor was conducted to him, and he required to have the name so distinctly pronounced, that he could hear it. He had the very uncommon faculty of associating a man's name, and personal appearance, so durably in his memory, as to be able to call any one by name, who made him a second visit. He received his visitor with a dignified bow, while his hands were so disposed of as to indicate, that the salutation was not to be accompanied with shaking hands. This ceremony never occurred in these visits, even with his most near friends, that no distinction might be made.

As visitors came in, they formed a circle around the room. At a quarter past three, the door was closed, and the circle was formed for that day. He then began on the right, and spoke to each visitor, calling him by name, and exchanging a few words with him. When he had completed his circuit, he resumed his first position, and the visitors approached him in succession, bowed and retired. By four o'clock this ceremony was over.

On the evenings when Mrs. Washington received visitors, he did not consider *himself* as visited. He was then as a private gentleman, dressed usually in some colored coat and waistcoat, (the only one recollected was brown, with bright buttons,) and black, on his lower limbs. He had then neither hat nor sword; he moved about

among the company, conversing with one and another. He had once a fortnight an official dinner, and select companies on other days. He sat (it is said) at the side, in a central position, Mrs. Washington opposite; the two ends were occupied by members of his family, or by personal friends.

LETTER XXII.

April 2, 1833.

At this day, the conduct and character of Washington are spoken of with respect and veneration by most men. We have seen several sorts of administration of public affairs since his time; it is not too soon to consider, calmly and dispassionately, the worth of that conducted by himself. It may be, that the efforts made in Washington's lifetime, by Paine, Bache, and Freneau, (to say nothing of any which Mr. Jefferson may have made, paid for, or approved of,) to deprive him of the esteem of his countrymen, have still some effect on the public mind. But the day will come, when Washington and Jefferson will both be remembered, by all who seek correct information, *as they should be.*

Washington brought into office the reputation of a successful military chief. Not that which depends on personal courage; nor that which arises from the able use of the best means for conducting warfare; but the reputation of having used means which we now look back upon with astonishment, as having been capable of effecting the independence of the country. In all his agency, then, and ever after, wisdom, firmness, perseverance, great ability, unimpeachable integrity, are admitted to be his attributes. Infamous slanders have been forgotten in the lapse of time; and some of those who paid for them, and circulated them, find their own interests promoted, in having them forgotten.

Washington was not a *successor*. He had no path before him, marked out by time and experience. He had a nation to rule, who were to receive rules for the first time under a voluntary government, obtained with great exertion, and against the will of an able and irreconcilable minority. There was no reverence for ancient usages, no affection for a system, which its subjects had been born under, and had grown up with ; no cherished recollections of evils averted and benefits secured, under a faithful exercise of power. There were the abstract rules of a constitution ; no laws, no officers, no application of its force, to the exigencies of the country. There were all the complicated and embarrassing concerns of the late war; craving creditors to the amount of many millions; a pervading sense of gratitude to France ; the memory of bitter sufferings under the cruel exercise of British warfare, from one end of the continent to the other; and most especially in the south.

The memory of suffering in the south, particularly in South Carolina, was deep and irradicable. War there, was bereft of all the magnanimity and forbearance which modern usages, under Christian influence, have introduced to mitigate its horrors. It was vindictive, unsparing, merciless *civil* war. It was worse yet; it was a wanton exercise of force, which was infamous, even when attempted to be palliated by calling it the lawful exercise of power against rebels. A correspondent feeling and action followed on the part of the Americans. Besides the evils of such a war, the inhabitants of the country were divided into whig and tory parties, and carried all the bitterness of the times into these distinctions. Among the most disgraceful and mournful tragedies ever acted among men, was the execution of the gallant and honorable Colonel Isaac Hayne, on the 4th of August, 1781, at Charleston. The names of the two British officers who had the heart to order this, shall not be mentioned. They resisted such an appeal as ought to have softened the hardest substance that can be called a human heart. The second Gothic king, who wore a Roman crown, died of remorse, that he had put a fellow man

to death, under circumstances more excusable than those which carried Colonel Hayne to a place of execution. No time, no distance, should ever permit the oblivion of such scenes; that they may serve to moderate the exercise of power, and warn the soldier that future generations will judge of him with impartial justice. Such feelings towards the British, were, from like causes, prevalent in Virginia. The elements of opposition, needed only some combining and exciting cause, to be felt in all their force.

To the high responsibility of giving motion and effect to the new system, among all these discordant elements, it was the lot of Washington to be called. Without going minutely into measures, let us glance at the prominent ones, and judge by the light of experience, whether he, and his political associates, were right or wrong.

Was it right, or wrong, to provide for the payment of the public debt, justly called "*the price of liberty?*" Who can answer in the negative? Was the manner of this provision right or wrong? If wrong, it must have been so from not paying the *holders* of securities, which had changed hands innumerable times, at the rate of purchase. How could this be ascertained; and was every bargain made in the United States, to be traced through all its steps to the original holder? If some men thought better of eventual solvency of the nation than others did, and chose to take the risk, was this a reason why they should not be paid? If one man could purchase an article of uncertain value, at a rate which the owner was disposed to take, what law of justice, or honor, forbade the purchase? It is true, that the poor soldier and the war-worn officer had parted, in their poverty and necessity, with the paper payment for their services, for an almost nominal consideration. But what was this to the creditor? To these soldiers and officers, there was still a national debt in gratitude and justice. It has been poorly paid to survivors, after most of the whole number had found their graves. Gratitude is a fruitless claim in most cases, when presented to the conscience of a na-

tion. Not to have done what was done, would have been injustice, for which there could have been no palliation.

The *manner* of this provision—was this right, or wrong? The amount of the revolutionary debt, estimated at specie value, in 1790, was ($135,190,703) more than one hundred and thirty-five millions of dollars. It was to be liquidated and funded, and provision made for interest and principal. To this end, the commercial regulations, *now in force,** comprising the whole system of shipping interests, and insensible taxation by duties on importation, were established. These regulations have been adhered to, in all the hostility manifested in later times, to the Washington administration. But it was not for the occasion of the day, that they were established; it was to make a sure foundation (united with other subjects) for national credit and security in all future times. When the government has been well conducted, and has deserved public confidence, these regulations have answered the intended purpose. From this system of things arises now the vital strength of the national government; a strength which may be safely relied on in every emergency, when the national rulers have *justly* the confidence of the country. We hear, at this day, proud boastings of the extinction of the national debt of the revolution, and of the one hundred millions of debt accumulated in the late war. By whose wisdom and foresight was it, that the extinction of the debt has been effected? By those who founded the financial system, or those who, since that time, have applied it, well or ill, as the case may be?

Was Washington's administration right, or wrong, towards France and England, during their vindictive and exterminating war? No man ever had a more delicate and difficult task to perform than in relation to these belligerents. To both of them, this country, situated at the distance of three thousand miles from the cabinets of each, and near colonies of both, was a subject of unceasing jealousy. Each desired to prevent this country from

* Refers to the year 1833.

becoming adversely a party in the war: and France was resolutely determined, by every art of corruption and intrigue, and by open menace, that it should become a party, in alliance with her. What could this country gain, and how much was it sure to lose, by engaging in the war, on either side! Surely the true policy of the country was *strict neutrality*. To preserve this, the most forbearing and conciliatory measures were adopted towards each; ministers were sent, and instructions given to show, that the United States were and meant to be *neutral*.

When the conduct of Great Britain became intolerable in the capture of American ships, was it best to go to war, and take the chances of French fraternity, or to send a special messenger to make explanations, and demand reparation? The good sense of the country came to the relief of the administration in this measure; and the country was saved from the calamities which threatened it, by the ratification of Mr. Jay's treaty, and by popular approval.

To the last hour of his administration, Washington persevered in his neutrality; and was able to countervail the popular clamor in favor of France. We can look back calmly, on the policy of that peculiar country; we now know what the fate of all countries was that submitted to French alliance, whether republican or imperial; and we can plainly see what would have been the fate of this country, if Washington had yielded to the hollow assurances and open menaces of Genet, Fauchet, and Adet, sustained, as they were, by an unfaithful or deluded portion of our country, sometimes amounting to a popular majority.

In the discretionary exercise of executive power, the Washington administration was wise and tolerant. In filling offices, the President preferred, when he could, the revolutionary chiefs, of whose integrity, and ability, he had ample proofs. No one will say, that such men did not deserve the honors and emoluments of office, which their own perilous efforts helped to establish. He did not, like some of his successors, *profess* to ask: Is he honest, is he capable, is he faithful to the constitution? He appointed

men that were so. He displaced no man for the expression of his opinions, even in the feverish excitement of French delusion.

With regard to all other foreign governments; the judiciary; the national bank; the Indian tribes; the mint; in his deportment to his own ministers; his communications to Congress; his construction of the constitution; his sacred regard for it; his devotion to the whole Union; his magnanimity and forbearance; his personal dignity; in all these, and in relation to all other subjects, how great and honorable was his example, how transcendently above all praise that man can bestow; and yet how utterly have his views, and his example been disregarded within these thirty years!

As successive events and new agents arise in our national progress, and means of comparison are lost in the lapse of time, we are in great danger, by taking those which are most recent, of descending by steps, to the end of republican freedom. The state of our country now, freed as it is from debt,* disentangled as it is from European alliances, fearless as it is from Indian aggressions, presents an humiliating contrast with its condition at the close of the last century. On the disheartening difficulties of that day, time has rolled its tide. Not one in a thousand of those who were then minors, or born since, has given a serious thought to them, with a view to know, as to all that is now doing, what is right or wrong. These real difficulties are gone; and what have succeeded to them? Those of domestic creation; the jealousies and enmities fomented among the members of the same family; the cravings for power and distinction; the reign of selfishness, and of passion. By these the strength of the government is to be tried, as its founders predicted; and not by the combined strength of all Europe, while we are united among ourselves.

* Reference must be had in reading these letters, to their respective dates.

LETTER XXIII.

April 5, 1833.

It is time to relieve this narration of political events, by some description of public men at the close of the last century. It must be remembered, that there are friends and descendants of these men, now living, whose feelings are to be respected; and, also, that the remarks to be made are those of *one* individual, who narrates from memory, and his own notice of men and things, and who may not have seen and observed, as others did. The inducement to make any remarks of this nature is, that the time is at hand, when all power to speak of men who were busy at the close of the last century, from personal knowledge, will cease. Who and what they were, who were Washington's military and political associates, friends or foes, must be interesting—especially as they lived when European governments were shaken to the centre by the force of revolution, sufficiently powerful to be felt and dreaded in this far western world; and, also, that they lived and acted at a time, when fear of, or devotion to, revolutionary notions, brought all minds, strong or feeble, into incessant action. Reason and good sense were then, as now, impotent agents, against that popular excitement which makes law for itself.

Mr. Jefferson mentions in his writings "the Essex Junto," with much reproach. What persons he meant by this party distinction, he did not know himself. It seems to have been his practice, to throw out defamatory remarks to fix as they might. It is well remembered, that there were intelligent men in the county of Essex, who were steadfast friends of the Washington administration, and who supported that of Mr. Adams, though without unqualified approbation. These men had intimate friends and associates in Boston, who thought as they did. They were, unitedly, sincere and uncompromising opponents of Jeffersonism,

in all its forms. Their political merits and de-merits, may depend on this. If the administrations of Washington and Adams were right, they were right. If devotion to France, merely because it was France, and hatred of England, merely because it was England, regardless of duty or interest, as to their own country, was wrong, they were right, as subsequent events most clearly proved. They were men, and, like other men, might feel and express indignation at the abuse and perversion of power to mere party purposes; and might have desired to see power properly restrained, and rightly applied; and may have expressed more decidedly, than some others did, their own opinions. But Mr. Jefferson was the real cause of these opinions. If he was a wise and honest statesman, and deserved the confidence and gratitude of his countrymen, the Essex Junto were wrong. If he was practically the enemy of the national constitution, and merely the chief of a party, and not the President of the United States, they were right.

Among the distinguished men, at the close of the last century, was *Benjamin Lincoln;* a revolutionary officer, Secretary at War, the General in the Massachusetts insurrection, and first Collector of the port of Boston. In 1794, he was about sixty years of age. He had received only an inferior education, but had done much to compensate for its defects. Before the war, he had been town officer, member of the legislature, and militia colonel. He was about five feet nine inches in stature, and of so uncommonly broad person, as to seem to be of less stature than he was. His gray hair was combed back from his forehead, unpowdered, and gathered in a long queue. His face was round and full, his eyes blue, and his complexion light. He was usually dressed in a blue coat, and light under clothes, and wore a cocked hat. He always appeared in boots, in consequence of the deformity of his left leg, occasioned by a wound received at the capture of Burgoyne. His speech was with apparent difficulty, as though he were too full. The expression of his countenance was exceedingly kind and amiable. His manner was very gracious; like

those of all the high officers of the revolution, his deportment was dignified and courteous. He wrote essays on several subjects, commercial, agricultural, and philosophical, some of which were published. He employed some one to read these essays, and assigned for a reason, that being entirely ignorant of the grammatical construction of language, he could judge only by the sound, of its correctness.

General Lincoln was one of the few persons who are afflicted with somnolency. This was not occasioned by age, but was constitutional. In the midst of conversation, at table, and when driving himself in a chaise, he would fall into a sound sleep. While he commanded the troops against the Massachusetts insurgents, he dictated dispatches, and slept between the sentences. His sleep did not appear to disturb his perception of circumstances that were passing around him. He considered this an infirmity, and his friends never ventured to speak to him of it. He was a man of exemplary morals, and of sincere piety, carrying fully into practical life, the ethics of the religion which he professed. He enjoyed the high respect and confidence of Washington, and the affectionate regard of his fellow-officers. He performed his various trusts with ability, and incorruptible integrity. He was a member of the American Academy, and President of the Cincinnati.

He died in 1810, at an advanced age. He was one of the very few, whom Mr. Jefferson did not turn out of office. But so many persons were placed in the collectorship, of the new order of public officers, that it was disagreeable to him to remain in office. From this cause, as well as increasing years, he retired.

LETTER XXIV.

April 10, 1833.

Henrx Knox was a bookseller, and bookbinder, at Boston, when the war began, at which time he was about twenty-five years old. He had been captain of a grenadier company; and was a volunteer at Bunker Hill battle. He met Washington at Cambridge, in 1776; and was immediately made chief of artillery, in which relation he continued during the war, and always near head-quarters. He served throughout the war, and left the service with the rank of Major General. When he resigned the office of Secretary, at the close of 1794, he removed to Boston, and for some years afterwards resided there. He was a large, full man, above middle stature; his lower limbs inclined a very little outward, as though they had taken a form from the long-continued use of the saddle. His hair was short in front, standing up, powdered, and queued. His forehead was low, his face large and full below; his eyes rather small, gray and brilliant. The expression of his face altogether, was a very fine one.

When moving along the street, he had an air of grandeur, and self-complacency, but it wounded no man's self-love. He carried a large cane, not to aid his steps, but usually under his arm; and sometimes, when he happened to stop and engage in conversation with his accustomed ardor, his cane was used to flourish with, in aid of his eloquence. He was usually dressed in black. In the summer, he commonly carried his light silk hat in his hand when walking in the shade. His left hand had been mutilated, and a part of it was gone. He wore a black silk handkerchief wrapt around it, from which the thumb and forefinger appeared. When engaged in conversation, he used to unwind and replace this handkerchief, but not so as to show his disfigured hand.

When thinking, he looked like one of his own heavy pieces,

which would surely do execution when discharged; when speaking, his face had a noble expression, and was capable of displaying the most benignant feeling. This was the true character of his heart. His voice was strong, and no one could hear it without feeling that it had been accustomed to command. The mind of Knox was powerful, rapid, and decisive; and he could employ it continuously, and effectively. His natural propensity was highly social, and no man better enjoyed a hearty laugh. He said that he had, through life, left his bed at the dawn, and had been always a cheerful, happy man.

He had a brilliant imagination, and not less brilliant modes of expression. His conceptions of the power and glory of the Creator of the universe, were of an exalted character. That he might give scope to this sentiment, he chose the region of Blue Hill, that he might there witness the great solar eclipse of the 16th June, 1806. His expressions, at the decline of the light, in the moment of almost total darkness, and on the effulgence of the returning beams of the sun, were worthy of the occasion, and of his own glorious mind. The immortality of the soul was not with him a matter of induction, but a sentiment, or fact, no more to be questioned, than his own earthly existence.

His noble hospitality, exuberant generosity, and too confident a calculation on the productiveness of sales of extensive tracts of land in Maine, led him into some embarrassments towards the close of his life. His life ended at the splendid mansion which he erected at Thomaston, in Maine, in the year 1806, from an unfortunate accident,* in the 56th year of his age.

When President Adams concluded to form an army in 1798, Washington accepted the chief command, with the right of naming his chiefs. He named Hamilton Inspector General, and first in command under him, Charles Cotesworth Pinckney, second, and Knox, third. Knox was exceedingly hurt at this, as he was Hamilton's senior, in years, and rank. He hesitated, for some time,

* He swallowed a piece of chicken bone, which produced a fatal mortification.

whether to accept. But his own manly feelings, and the nature of the call on him, suppressed the natural sensibility of a soldier, and he accepted.

The manners of the revolutionary officers among themselves, (there were several in Boston at the time now spoken of,) were exceedingly affectionate, and familiar. They spoke to each other by their Christian names, or surnames only; but yet there was a courtesy and dignity which always made it the intercourse of gentlemen. All of them were in the habit of using expressions, (no doubt acquired in the army,) which hardly seemed to be profaneness in them, though it would now be such, if used by any one. They were in many respects a noble set of men. It is to be hoped, that the race is not extinct. Perhaps the occasion made them what they were; for there seems to be few such men in these days.

It was of this same Henry Knox, that Thomas Jefferson has published to his countrymen, and for the benefit of posterity, as follows: (vol. iv. page 484 ;) "Knox subscribed at once to Hamilton's opinion, that we ought to declare the treaty void, (French treaty of 1778,) acknowledging, at the same time, like a *fool* as he is, that he knew nothing about it." "There having been an intimation by Randolph, that in so great a question he should choose to give a written opinion, and this being approved by the President, I gave in mine April the 28th. Hamilton gave in his. I believe Knox's was never thought worth offering, or asking for." (In the same vol. page 491,) "Knox, in a FOOLISH, incoherent sort of a speech, introduced the pasquinade, lately printed, called the funeral of George W——n, and James W——n," (Judge Wilson, of the Supreme Court of the United States, one of the framers of the constitution,) "King and Judge, &c., where the President was placed on a guillotine. The President was much inflamed; got into one of those passions when he cannot command himself; defied any man on earth to produce one single act of his, since he had been in the government, which was not done on the purest motives." In this page Mr. Jefferson records Washington as

using an oath; "that *by God*, he had rather be in his grave than in his present situation." Thus, Mr. Jefferson is *the* American, who has taken pains to record for the public eye, (true or false,) that Washington was guilty of profaneness!

"Some officers of the army," (vol. iv. page 444,) "as it has always been said, and believed, (and Steuben and *Knox* have ever been named as the leading agents,) trained to monarchy by military habits, are understood to have proposed to General Washington, to decide this great question by the army, before its disbandment, and to assume, himself, the crown, on the assurance of their support." It is well known, that anonymous letters were circulated in camp, to the above effect; but this is the only case in which the names of Knox and Steuben are *so* connected therewith. On the contrary, two men (who afterwards figured eminently in the ranks of democracy) have ever been "named," truly or otherwise, as the authors of these letters. As to Knox, this is certain, that when the officers were assembled, to consider these letters, he was Chairman of the Committee which prepared the report of indignant disapprobation of them.

Mr. Jefferson may have been of the number of those who believed with Rochefoucauld, a French philosopher, and maxim-writer, that there is something in the misfortunes of our best friends which does not displease us. It is quite certain that the misfortunes of Mr. Jefferson's political adversaries gave him no pain. In a letter to Mr. Madison, (January 3, 1799, vol. iii. page 406,) he says, "General Knox has become bankrupt for four hundred thousand dollars, and has resigned his military commission. *He took in* General Lincoln for one hundred and fifty thousand dollars, which *breaks* him. Colonel Jackson also *sunk* with him." The manner of this annunciation may be some indication of the sort of heart which Mr. Jefferson had. It is to be hoped, that he did some injustice to that of Mr. Madison, in so addressing him. It was undoubtedly true, that General Knox, from causes before stated, was a debtor, and embarrassed; and in some degree, from like causes, with those which occasioned Mr.

Jefferson's own embarrassments, (a circumstance in his life which gave no pleasure to his political adversaries;) but it was never known, in this part of the country, that General Lincoln was *broken*, nor that Colonel Jackson had *sunk*. Both of them befriended Knox, and the fortunes of both may have been in some degree impaired. But both ever entertained for him the most affectionate attachment.*

* It may not be uninteresting, to transcribe here an anecdote, of the misfortunes of General Knox, as related to me by my father. I will give it as near ar I can recollect, in his own words: "General Knox, General Lincoln and General Jackson had been companions in the Revolution; had laughed, eaten, drunk, fought and lived together, on the most intimate terms. They loved each other to a degree but little known among men of the present day. After the struggle of the War, they retired to their homes, and were all comfortable in their worldly circumstances, if not rich; but Knox, possessing large tracts of land in the State of Maine, upon the rapid sales of which he confidently relied, imagined himself more wealthy than he was, and lived in luxurious style. He built himself a superb mansion at Thomaston, Maine, where all his friends met with a cordial welcome, and enjoyed the most liberal hospitality. It was not an unusual thing for Knox to kill, in summer when great numbers of his friends visited him, an ox and twenty sheep on every Monday morning, and to make up an hundred beds daily in his own house. He kept for his own use and that of his friends, twenty saddle horses and several pairs of carriage horses in his stables. This expensive style of living was too much for his means, as he was disappointed in the sale of his lands, and he was forced to borrow sums of money on the credit of his friends, General Lincoln and General Jackson. He soon found himself involved to a large amount, and was obliged to acquaint his friends of his embarrassments, into which he had unintentionally drawn them. Lincoln was at that time collector of the port of Boston, and occupied a house in State Street, now torn down, part of which he used for the Custom House, and part he occupied as his dwelling. It was agreed, that the three should meet there, and a full exposition of Knox's affairs be made known. I was applied to, to act as counsel on the occasion, and was the first one who came at the time appointed. Jackson soon entered, after him Knox, and almost immediately Lincoln came in. They seated themselves in a semicircle, whilst I took my place at the table, for the purpose of drawing up the necessary papers, and taking the notes of this melancholy disclosure. These men had often met before, but never in a moment of such sorrow. Both Lincoln and Jackson knew and felt, that Knox, the kindest heart in the world, had unwittingly involved them. They were all too full to speak, and maintained for some minutes a sorrowful silence. At last, as if moved by the same impulse, they raised their eyes, their glances met, and Knox

In making such assertions as are found in Mr. Jefferson's volumes, and in recording what he calls "false *facts*," has Mr. Jefferson erred? One can speak *to* another such things, as, if believed, would deprive the person spoken to of the esteem and respect of his fellow men, and perhaps subject him to public punishment. The speaker, in such case, must be presumed to have weighed consequences. One can speak *of* another, those things which would, if believed, produce like effects as to the person spoken of. There may be cases where it is justifiable and dutiful so to speak. Suppose one to speak such things, as are adapted to produce such effects, and that these things are false, and that the speaker hopes these effects will be produced, but that he shall not be known as the speaker; what says the *true* law of honor, the law of the land, and the precepts of Christianity in such case? Suppose one to write deliberately, and *calmly to revise falsehoods* of the dead, and of the living, and to reserve these falsehoods for publication, when he should be beyond personal accountability to the living, and to the representatives of the dead, what is the sentence which impartial justice must pronounce on his own fame? Whether Mr. Jefferson has or has not erred, in any of these respects, is a question on which he has appealed to posterity. Let posterity pronounce its judgment.

burst into tears. Soon, however, Lincoln rose, brushed the tear from his eye, and exclaimed: 'Gentlemen, *this* will never do! we came hither to transact business; let us attend to it!' This aroused the others, and Knox made a full disclosure of his affairs. Although Lincoln and Jackson suffered severe losses, it never disturbed the feelings of friendship and intimacy which had existed between these generous hearted men."

LETTER XXV.

April 15, 1833.

There were several distinguished persons visiting in the United States, in the last five years of the last century, and among them some of royal blood. The Duke of Kent, son of George the Third, was here, father of the young princess, now heiress to the throne.* He was a tall man, of light complexion; no opportunity occurred to describe in him, any peculiar traits of character. The present King of France was here, by the name of Mons. d'Orleans, accompanied by his two brothers, who were called, before the revolution, by the respective names of the Duke de Montpensier and the Duke de Beaujolois. Both the latter are long since deceased. The Duke of Orleans was a man rather above middle stature, dark complexion, rather sunken eyes, and of very dignified deportment. He kept aloof from the agitation of politics. The friends of France, apparently, did not think that his possible destiny could affect their interests. He made extensive excursions in this country, and was well informed, probably from his own observation, of its condition and prospects. He was in the best society in the several cities. The instability of human fortune has been strongly illustrated in the life of this person. Born to high distinction, he had the affliction of seeing it all disappear as a vision, and himself reduced to the necessity of toiling for subsistence. He bore his reverses with magnanimity, and profited by them, and may now be the better monarch from these causes. Since his exaltation to the throne, he has done honor to his own heart by recognizing the courtesies and kindness experienced in this country.†

* Now Queen Victoria.

† Viscount Noels, brother-in-law to Lafayette, and very highly and respectably connected in France, in the summer of 1795, came to this country in company

A gentleman, now known as one of the first merchants in the world, and as a member of Parliament, Mr. Alexander Baring,* was then in this country. He was a man of middle stature, of light complexion and blue eyes. He was considered to be a well informed person, and of highly respectable manners. As to the former, this has since been verified by useful and intelligent performances in parliamentary debate. He married an American lady, the daughter of Mr. Senator Bingham, who built and dwelt in the house now known as the "Mansion House" in Philadelphia. This was one of the places, at that time, of elegant hospitality in the "beautiful city," as it was called. "Beautiful," however, should have been applied to what is intellectual and social, in that day, no less than to that which has not yielded to the unsparing hand of time. Certainly, the social intercourse of Philadelphia, at the close of the last century, was as delightful and interesting as could be found on the globe. There may have been elsewhere, more names, places of assembly, titles, and distinctions, than in Philadelphia at this period. But being the seat of government, and place of Washington's abode, and Congress being then an object of attraction to visitors, and this city the attractive point

with Mr. Bingham, hereafter mentioned in this letter. His means were limited, and he occupied a third story room in a block of buildings, then standing at the extreme west end of Mr. Bingham's garden. As above stated, Mons. d'Orleans and his two brothers were then in Philadelphia; and John Copley, the present Lord Lyndhurst, with several other young gentlemen, who have since, in many instances, risen to eminence, and some of whom have passed away, were likewise to be found among the gay circles of the city. The Viscount gave a dinner, at which the above gentlemen were present, as was also the author of these letters. The dinner was given at the Viscount's lodgings, and the guests were obliged to sit in the front chamber, many occupying the bed for want of chairs, while the dinner was being served in the adjoining room. The dinner was served by Mr. Bingham's servants, he being a guest on the occasion, and was served, too, on Mr. Bingham's plate, besides having been cooked in Mr. Bingham's kitchen. Such were the circumstances of the Viscount at that time, and such the delicate attention extended him by Mr. Bingham.

* The present Lord Ashburton, and late Minister Plenipotentiary of her Britannic Majesty, during the treaty negotiations of the N. W. Boundary.

for all distinguished foreigners, the society of Philadelphia was well entitled to the praise of elegant and refined.

Volney, the correspondent of Mr. Jefferson, the celebrated traveller, philosopher, and contemner of Christianity, (as his works show,) figured here at this time. He had a genuine French physiognomy, which no one could misunderstand. He was a tall, straight, well-formed person; high forehead, blue eyes, small mouth, and peculiar expression of face. He asked Washington to give him letters of recommendation, to be used in his excursion in the states. He was probably understood. The letter given contained only these words: "C. Volney needs no recommendation from George Washington."

The foreign ministers, then in Philadelphia, made their houses places of agreeable resort. They usually gave a dinner once a fortnight, and an evening entertainment, commonly a ball, once in the same space of time. Mr. Liston was then the British minister. He was a Scotchman, of common size, dark complexion, and not distinguished for courtly manners. He wore a wig with curls at the sides. He had an amiable, knowing face. He was much esteemed. The Spanish minister was named d'Yrujo, then or afterwards a duke, and who has since made some figure in Spanish affairs. He was a short, full man. He married a lady of that city, a daughter of Chief Justice McKean, a lady of celebrity for beauty. Among the members of Congress who made part of the fashionable world, was William Smith, of South Carolina, a gentleman much distinguished in debate on the federal side: and Robert Goodloe Harper, also of South Carolina, who came into Congress on the other side, but who conscientiously felt, in a short time, that he was on the wrong side, and gave it up. He made a celebrated speech on the French Revolution, which was printed in England, and very generally distributed. This speech was prepared in Boston, where he passed a part of the summer of 1795. Mr. Harper was a well-formed man, of middle stature, and uncommonly full chest; and then much in fashion in his personal appearance. He was a man of strong mind, a fluent

orator, of respectable, but not adorned manner. In his private intercourse he was exceedingly amiable and pleasant. He was a man of excellent heart, and friendly disposition, and, as a public man, one of the most respectable of that time. He settled afterwards in Baltimore, and married the daughter of the survivor of those who signed the declaration of independence. He held the rank of general, and distinguished himself honorably, in repelling the attack of the British on Baltimore in the late war. General Harper and William Smith are among the number of those whom Mr. Jefferson will introduce to posterity as monarchists, and as being among "the worthless and disaffecteſl."

Mr. Carroll (just now alluded to) was rather a small and thin person, of very gracious and polished manners. At the age of ninety, he was still upright, and could see and hear as well as men commonly do. He had a smiling expression when he spoke; and had none of the reserve which usually attends old age. He was said to have preserved his vigor, by riding on horseback, and by daily bathing in cold water. He was a gentleman of the "old school" of deportment, which is passing away, if not gone.

Mr. Gallatin made a distinguished figure in the House, in these days, on the opposition side. He indicated his origin by his pronunciation of our language, in a manner not to be mistaken. It appears from the records of the Senate, when his right to a seat there was objected to in 1795, on the ground of defect in citizenship, that he was born in Geneva, in January, 1761, and was for some time a teacher of the French language at Cambridge. He was considered to be a very able man, and has proved to be such in the stations and writings of subsequent time. He was rather above the common size, of intelligent face and brilliant black eye. He was a frequent speaker in the House, an argumentative, and not a graceful one. Mr. Madison was then in Congress, and an efficient member on the opposition side. A man of small stature, and grave appearance. At the close of his presidency, he seemed to be a care-worn man, and seemed, by his face, to have attained to a more advanced age than was the fact.

He had a calm expression, a penetrating blue eye, and looked like a thinking man. He was dressed in black, bald on the top of his head, powdered, of rather protuberant person in front, small lower limbs; slow and grave in speech. Mr. Madison was a warm advocate for the Union, and the associate of Jay and Hamilton, in the effort to make it acceptable to the public. But he early became an opponent of the administration, and closely allied to Mr. Jefferson. It would be exceedingly interesting to know what this eminent man's opinions are, now that he can look back, dispassionately, on a long, active, and responsible political life; and what acts of his public life, if any, he disapproves; and whether in his calm retrospection, he is satisfied with his pretensions to be ranked among the truly worthy successors of Washington.

However it may have been with Mr. Madison, he may have discerned, since his time, that public office in the United States is not *always* a solemn trust to be executed, according to enlightened conscience, for the common good: but may be a mere convenience to carry into effect the unworthy purposes of party allegiance.

Among the eminent men who lived in Philadelphia at the close of the last century, was *Robert Morris*. He was born in England, in 1733, and came to America when he was fifteen years of age. He was placed in the counting-house of Mr. Willing, father of Thomas Willing, who was the first President of the United States Bank. On coming of age, he was copartner with the latter gentleman, and continued to be so for nearly forty years. Though Robert Morris was of English birth, he devoted himself to the patriot side, in the revolutionary contest. He had acquired great wealth as a merchant, but he cheerfully risked the whole of it to gain the independence of his adopted country. The final success of the revolution depended no less on the ability and industry of this one man, than on all the armies, with Washington as their chief. When Congress had exhausted their means, all other means depended on Robert Morris. At one time he had used his own personal credit to the extent of one million four hundred thousand

dollars, to sustain the credit of the United States. The records of these times are the honorable proofs of the esteem and respect in which both Congress and Washington regarded his patriotic labors and services.

He was the founder of the first bank in this country, a signer of the declaration of independence, member of the convention which framed the constitution, for some years a senator in the national government, and the personal friend of Washington.

In 1784, under the old confederation, he resigned his office of "Financier," and when the new government went into operation, he was solicited to take the place of Secretary of the Treasury, but declined, and recommended the appointment of Hamilton.

After leaving all public employment, he exercised the same inventive genius and indefatigable industry in his own affairs which he had devoted to the public service, and engaged deeply in many and extensive enterprises; and especially in the purchase of lands. Massachusetts had a claim to extensive tracts within the limits of New York, of which he became the purchaser.

In 1795–6, he was in the splendor of prosperity, and then about sixty-three years of age. His house was at the corner of Sixth and Market Streets, and he had laid the foundation of a palace in the square, on the south side of Chestnut Street next above Seventh, (if rightly remembered,) with the intention of making the whole of that space his residence. His home was the abode of noble, cordial hospitality, abounding in everything that tended to make hospitality delightful. In his person (as now recollected), he was of nearly six feet in stature, of large, full, well-formed, vigorous frame, with clear, smooth, florid complexion. His loose gray hair was unpowdered. His eyes were gray, of middle size, and uncommonly brilliant. He wore, as was common at that day, a full suit of broadcloth, of the same color, and of light mixture. His manners were gracious and simple, and free from the formality which generally prevailed. He was very affable, and mingled in the common conversation, even of the young.

Within the three years following, his very extended concerns became embarrassed, and his prosperity declined. The extraordinary talents which were able to manage the moneyed concerns of the nation, under the most desperate circumstances, were incompetent to extricate himself from the difficulties which surrounded him. It is painful to know, that this able and commanding person, in the affairs of his country, and of society, closed his life under exceedingly depressed circumstances. Still more painful to know, that the turn of the times, and means which Morris would have abhorred, raised some men to places of high distinction, and put them in the way to be long remembered, while this generous, high-minded patriot, *Morris*, will be known to few only to have ever lived. He should be remembered and honored, as among the earliest, and most persevering, and faithful worthies of this land; while some men, who will be so held, should be regarded with proper sentiments, not for the *good*, but for the *mischief* which they achieved. Though Morris had leisure, at the close of his protracted life, to have laid in his claims to the respect, and to the gratitude of future ages, he left no memoir, letters, opinions, or Anas, by which his worth can be disclosed to the country, which he so truly adorned, and so faithfully labored to save.

LETTER XXVI.

April 20, 1833.

In 1795, the Governor of Massachusetts was the celebrated Samuel Adams. He came in after Hancock, May, 1794, and was then seventy-two years of age. He remained three years in office. He was one of the most ardent of the patriots, before and during the revolution; a popular writer, and energetic speaker. He was of common size, of muscular form, light blue eyes, light

complexion, and erect in person. He wore a tie wig, cocked hat, and red cloak. His manner was very serious. At the close of his life, and probably from early times, he had a tremulous motion of the head, which probably added to the solemnity of his eloquence, as this was, in some measure, associated with his voice. He was in favor of adopting the federal constitution, but became an opponent to the administration. Though he and Hancock were the only two men excepted in the British proclamation of amnesty, they were, at one time, on very ill terms with each other from differences of opinion. He died in 1803. Samuel Adams was a sincere, devoted, and most effective agent in the revolutionary cause, with his pen, his tongue, and by example. He put everything dear to him upon the issue.

He was succeeded in 1797, by Increase Sumner, taken from the bench of the Supreme Court. Governor Sumner was of large person, a sensible man, of truly amiable character. He took an active part in the convention in favor of the constitution. He died in June, 1799, much regretted.

He was buried with the formal ceremonies, which have been observed here, on such occasions, ever since Hancock's time. Four chief magistrates have died in office.

The Chief Justice was Francis Dana, who was sent to Russia as minister during the war, and was absent three years. He was a man of common stature, thin person, stooping a little, and of studious face. He was called an able lawyer, and was a very direct, clear, forcible speaker, but his manner, on the bench, was severe. In winter, he wore a white corduroy surtout, lined with fur, and a large muff; probably Russian acquisitions. Robert Treat Paine was also on the bench. He was a signer of the declaration of independence. He was a man of common stature, but very thin person; and of quick, ardent temper, as his black and sparkling eye might indicate. He did not hear easily. The manners of the court to the bar were, in those days, far from courteous; which occasioned the remark of Mr. Ames, that a lawyer should come prepared with a club in one hand, and a speaking

trumpet in the other. In his private life, he was a kind-hearted, and affectionate man. He was long in public life, and in responsible stations, but there is not a speech, nor a word of his, preserved. He was a strong, earnest speaker, but could not be ranked among the eloquent.

In 1800, Theodore Sedgwick took his seat on the bench of the Supreme Court. He was a zealous advocate for the adoption of the constitution, and is frequently mentioned by Mr. Jefferson, as one of the monarchists; and is included among the disaffected and worthless. He had been for many years in Congress, and Speaker of the House. He moved that the House should pass the necessary laws to carry the British treaty into effect. He was a man of large size, of good face, of dignified and courteous deportment, but with something of display of manner. From the time of his appointment to the bench, the conduct of the court towards the bar underwent an entire revolution, and the former causes of complaint soon disappeared. He was supposed to have induced this important change. Judge Sedgwick had the reputation of being a good lawyer, and a gentleman, in every meaning of that term.

Towards the end of the last century, among the men who were then juniors, and who were afterwards to take a very important part in the affairs of the country, were Christopher Gore, (then District Attorney,) Samuel Dexter, Harrison Gray Otis, and John Quincy Adams. There was also at the bar John Lowell, who, though he was not in Congress, nor in the national government in any station, had great influence on public opinion, as an undaunted and powerful writer in subsequent days, as there will be occasion to show.

Among the known writers on the opposition side, was the indefatigable Benjamin Austin, author of a long series of essays signed "Old South," and many others. They have ceased to be remembered; but they may, at some distant day, be worth an historian's perusal, as indicative of the temper of the times. On the other hand, there was a very able writer who signed himself

"Laco." His writings attracted great attention; but the author kept his own secret; and it is not known who he was.

About the end of the century, the forms of society underwent considerable change. The leveling process of France began to be felt. Powder for the hair began to be unfashionable. A loose dress for the lower limbs was adopted. Wearing the hair tied, was given up, and short hair became common. Colored garments went out of use, and dark or black were substituted. Buckles disappeared. The style of life had acquired more of elegance, as means had increased. Crowded parties, in the evening, were not as common then as they are now. There was more of sociability, and less form and display, than there is now. Some of these changes may be referred to the increase of numbers and of wealth. The Americans are not a people of light, spiritual amusement, as the French and Germans are. In this part of the country, they are much more like what the English are represented to be. There must be many still living, who remember the frank, friendly, social, unceremonious intercourse, which prevailed thirty or forty years ago. Has it disappeared? If it has, from what cause? and is the present state of things a better one?

LETTER XXVII.

April 30, 1833.

The retirement of General Washington was a cause of sincere, open, and indecent rejoicing among the French party in the United States. In France it was an event long desired, and cordially welcomed. The real friends of this country, and who were intelligent enough to comprehend the probable consequences, considered the loss of Washington's personal influence a public calamity.

At the time when the necessity of finding a new candidate for the presidency engaged the general attention, the relations of the United States with France were never more vexatious and embarrassing. President Washington had recalled Mr. Monroe, and sent over Charles Cotesworth Pinckney, as his successor. The government of France was then vested in a Directory of five; a Council of Ancients, and an Assembly of five hundred. Mr. Monroe was allowed a very gracious and complimentary retirement from the presence of the French dignitaries; he was told at the same time, what an abominable government his own countrymen had, yet how ardently the French *loved* them. But Mr. Pinckney was refused a reception, threatened with police custody, and at length, peremptorily ordered to quit the French territory. About this time, orders were issued to capture American vessels, wherever found, and bring them in as prize. These orders were faithfully executed. The French colonies in the West Indies sent out great numbers of privateers; and that of St. Domingo alone sent out eighty-seven.

Before this change in the French policy was known in the United States, the election of President came on. There was great difference of opinion among the federal party, whether to seek the election of John Adams, or Thomas Pinckney. As the constitution then was, both were voted for, by that party, expecting that one of them would be President, and the other Vice President. Mr. Jefferson and Mr. Clinton, of New York, were the two opposing candidates. Most unexpectedly the result was, that Mr. Adams stood highest, Mr. Jefferson next, and Mr. Pinckney third.

It was supposed, that so many of the eastern electors as preferred Mr. Adams to Mr. Pinckney, placed the latter candidate lower than they intended to do, and thereby gave a result which was exceedingly unwelcome as to the Vice President.

Mr. Adams, on the day of his inauguration, (March 4, 1797,) was in his 62d year. He was dressed in a full suit of pearl-colored broadcloth; with powdered hair. He was then bald on the top of his head. Mr. Adams was of middle stature, and full person;

and of slow, deliberate manner, unless he was excited; and when this happened, he expressed himself with great energy. Mr. Adams was a man of strong mind, of great learning, and of eminent ability to use knowledge, both in speech and writing. He was ever a man of purest morals: and is said to have been a firm believer in Christianity, not from habit and example, but from diligent investigation of its proofs. He had an uncompromising regard for his own opinion; and was strongly contrasted with Washington, in this respect. He seemed to have supposed that his opinions could not be corrected by those of other men, nor bettered by any comparison. He had been, from early manhood, a zealous patriot, and had rendered most essential services to his country, at home and abroad. These he always seems to have had in mind. He well remembered the painful struggles experienced in Europe, to obtain aid for the patriots at home, and an acknowledgment of independence, from governments there, while the war was yet regarded by England as rebellion. He ought to have known, as would seem from his own writings, in what manner public services are estimated. An individual can easily remember how much good he has done to a community; but those who are benefited, as easily forget. If public ingratitude is common, it is very natural. It is not improbable that Mr. Adams was impatient in finding how much more the easily understood services of military men were appreciated, than were the secluded, though no less important ones, of diplomatic agency and cabinet counsel. So made up, from natural propensities, and from the circumstances of his life, Mr. Adams came to the presidency at the time when more forbearance and discretion were required than he is supposed to have had. He seems to have been deficient in the rare excellence of attempting to see himself as others saw him; and he ventured to act, as though everybody saw as he saw himself. He considered only what was right in his own view; and that was to be carried by main force, whatever were the obstacles.

He found Mr. Pickering in the department of state, and continued him there. This gentleman was intelligent, honest, and,

like himself, disposed to respect his own opinion. Mr. Pickering had been most confidentially relied upon by Washington, and expected the like intercourse with Mr. Adams. But, perhaps, no two men, who had been associated in the national councils, except Jefferson and Hamilton, were less likely to harmonize than these two; but from what causes, others must judge, from better means of information than can be herein pretended to.

Mr. Pinckney's treatment in France was among the first objects that engaged the attention of the new President; and connected with it, the seizure and condemnation of American vessels, and the harsh treatment of their navigators. Mr. Adams thought the state of affairs demanded the deliberations of Congress, and its members were assembled on the 15th of May, 1797. In his speech, he commented on the expressions of the French government when Mr. Monroe took leave, as being highly derogatory to this country; he said he should make a new attempt to conciliate; but thought it indispensable that Congress should put the country in such a state, as to enable it to vindicate its honor, and independence.

Mr. Adams united Charles Cotesworth Pinckney, Elbridge Gerry, and John Marshall (since Chief Justice) in a mission to France, with very ample powers. These envoys were assembled at Paris in the month of October following; and immediately attempted to execute their commission. They gave the usual notice of their presence, and of their readiness to be accredited. Scenes followed of most exasperating character. Overtures, proposals, and demands were made, which excited an almost universal indignation in the United States, and, for a time, even silenced the devoted friends of France. The dispatches of these envoys are the authority for the occurrences at Paris. The first of these was received at the close of the year 1797, and others, later during the winter. On the 3d of April, 1798, all the dispatches, then received, were communicated to Congress, and made public.

LETTER XXVIII.

May 5, 1833.

From such authority it appears, that Mr. Osmond, private secretary of Mr. Talleyrand, then minister for foreign affairs, made known that the American envoys could not be received until certain expressions in Washington's last speech to Congress, concerning the conduct of France, were disavowed and atoned for, and that certain other things must be done before the envoys could be received and treated with; that with a view to such arrangements, unofficial individuals would confer with the envoys, and make known the views of the Directory. Such individuals presented themselves. Who they were was not then known; as their names were written in cipher, and not communicated to Congress. Instead of their names, the letters X, Y, Z were used. In Mr. Jefferson's volumes he has many remarks on the X, Y, Z affair. He seems to have been insensible to the conduct and character of the French government. He discerned nothing humiliating, insolent, or offensive, in the treatment of our envoys. He says (vol. iii. p. 402), "the X, Y, Z fever has abated considerably through the country, as I am informed, and the alien and sedition laws are working hard." Elsewhere he calls it "the X, Y, Z delusion."

Such conferences could only have been permitted, from the earnest solicitude of the envoys to conciliate with France, and avoid hostilities. They knew that if war ensued, the United States had to create its maritime force, and that before this could be done, the commerce of the country, then extensive and valuable, might suffer still more than it had. They endured, therefore, an irregular intercourse, which they supposed would find an apology in the necessity of the case.

Four things seem to have been positively demanded by Messrs.

X, Y, Z. *First*, atonement for so much of Washington's speech as the Directory disliked; *secondly*, the placing of France on the same privileged footing as England; *thirdly*, a loan in a *covert* and disguised manner, of a large sum of money to France, so as to evade the appearance of a belligerent act, on the part of the United States, towards England; *fourthly*, to give Mons. Talleyrand, to be divided between himself and his friends, 1,200,000 francs, equal to about two hundred and twenty-three thousand dollars. These propositions were met and rejected, in a dignified and manly spirit, though urged in every variety of form, and presented with menaces of the power of victorious and triumphant France. In one of these interviews, Mons. Y said:—"Gentlemen, I will not disguise from you, that, this satisfaction being made, the essential part of the treaty remains to be adjusted: Il faut de l'argent; beaucoup de l'argent." (*You must pay money; you must pay a great deal of money.*) "He spoke much of the force, the honor, and the jealous republican pride of France, and represented to us strongly, the advantages which we should derive from neutrality thus purchased. He said that the receipt of the money might be so disguised as to prevent its being considered a breach of neutrality by England, and thus save us from being embroiled with that power. Concerning the 1,200,000 francs, little was said, that being completely understood, on all sides, to be required for the officers of government, and, therefore, needing no further explanation." In this manner this negotiation was prolonged during about five months, but without making any impression on the envoys; at the end of which time Mr. Pinckney and Mr. Marshall were ordered to leave France. But Mr. Gerry was invited to remain, and continue the negotiation. He did so; and did not return till October following.

When these dispatches were made public, as already observed, there was a general indignation in the United States, and the common cry was, "millions for defence, not a cent for tribute." Mr. Gerry was severely censured for not having left France with his colleagues. There is no reason to doubt that he meant well;

and that he thought he could do alone, what he and his two associates, Pinckney and Marshall, could not do jointly. He must have assumed that his *better esteem* individually, with the French rulers, would enable him to effect the purposes of the mission. He found himself, however, in the hands of adroit managers, and was compelled, at last, to withdraw, without, of course, effecting anything; and in a manner which added nothing to his reputation as a diplomatist, though it did nothing to impair his integrity.

At the summer session of Congress, in 1798, provision was made for defence, by authorizing the organization of an army, and for borrowing money. Loans were negotiated at *eight* per cent., which was afterwards made a topic of complaint, and abuse of Mr. Adams. The young men took up the subject of the country's affairs with great zeal; and in Boston, Robert T. Paine, the celebrated poet, wrote the well-known song of "Adams and Liberty." On the 8th of July, 1798, he delivered a highly wrought oration to his young associates. Addresses were sent to the President, from all parts of the country, glowing with patriotism, and with defiance of the great Republic. Mr. Adams had good reason to think that he stood strong in the respect and affection of the people; and may well have considered this the proudest period of his public life.

In the arrangement of the intended military force, all eyes were turned to Washington as the chief. Mr. Adams made known his intention to appoint him; and in answer, without intimating a willingness to accept, he expresed his full approbation of the President's measures. He was afterwards appointed, with the condition that he might select his officers next in command. Some troops were embodied, and there was one encampment at Oxford, in Massachusetts.

On the ocean, war began in earnest. The frigate Constellation, of thirty-eight guns, was immediately built, and the command given to Thomas Truxton, who, on the 9th of February, 1799, after an engagement of an hour and a quarter, captured the French frigate l'Insurgent (in the West Indies) of fifty-four guns.

The Constellation came home to refit, and on the 1st of February, 1800, met la Vengeance, of fifty-four guns. The battle lasted five hours, at the end of which time, la Vengeance was completely silenced, but not captured. A squall enabled her to escape, with the loss of one hundred and sixty men, killed and wounded.

In the early part of 1799, Mr. Adams contemplated a new attempt at negotiation with France, in Paris. All those who had so far supported Mr. Adams' measures, considered it inconsistent with the honor and dignity of the nation to make any such attempt; and that proposals to treat should come from France. Mr. Adams did not consult his cabinet on this occasion. When Mr. Pickering and Mr. McHenry, (Secretary at War,) were informed that he intended a new mission, they remonstrated, and this made the breach, which had long been widening, irreparable. On the 26th of February, 1799, the President appointed Oliver Ellsworth, of Connecticut, Patrick Henry, of Virginia, and William Vans Murray, of Maryland, (then minister at the Netherlands,) envoys extraordinary, and drew up his own instructions. Mr. Henry declined, and William Richardson Davie, of North Carolina, was substituted.

France was surprised by the hostility of America; more so that their influence in the United States was incompetent to prevent it. War was not her object. It could do her no good, and there was, undoubtedly, a disposition on her part to recede. The President, probably, took this view of the case, though it had not the approbation of his most intelligent supporters. Hamilton was much opposed to it, and is said to have written to the President to dissuade him from sending envoys. This dissent only made the President more determined to persevere. The breach occasioned by this measure, between the President and his two ministers, Pickering and McHenry, (and some other opinions, as it is said, expressed by the latter favorable to Washington,) made the cabinet relation of these persons too unpleasant to be endured; and, in April or May, 1800, the President abruptly dismissed both these ministers. This event excited much sensation. It probably had

some influence in reducing the federalists to a minority. But another measure, then thought to be highly impolitic, was a letter written by, and in the name of Alexander Hamilton, and published in 1800, "concerning the public conduct and character of John Adams." This letter, disclosing, as it did, and from an eminent man, a determined aversion to the continuance of Mr. Adams' official power, may be considered as among the operative causes of Mr. Adams' failure at the ensuing election. This publication, whatever may be thought of it as to the time in which it appeared, as to motives and manner, may have hastened the fall of federalism. Nothing, it is believed, would have prevented it, in no very distant time. There was not then, and never has been since, a majority who were disposed to administer the government according to the true standard established by Washington, and conformed to by Mr. Adams, so far as his circumstances permitted; although, when pressed by necessity, subsequent administrations have always returned to it.

The first subject of complaint against Mr. Adams, among the friends of the government, resulted favorably to the country. It prevented, for that time, the continuance of the United States in a war, for which they were unprepared, and in which they had much to lose, and nothing to gain. So far as mere interest was concerned, one would think Mr. Adams' policy was right. So far as honor and dignity were involved, there seem to have been different opinions. When the envoys arrived, the Directory had disappeared, and Napoleon Bonaparte was First Consul. They were respectfully received; a satisfactory "convention," or treaty, was framed, and duly ratified by both parties. Thus Mr. Adams had the honor and gratification of bringing the long-continued controversy with France to a conclusion, within his four years:— at least, until new difficulties arose.

Besides the mission to France, and the letter of Mr. Hamilton, there were other circumstances, in his four years, which were turned to account against Mr. Adams, with great success. Among these were certain legislative measures, severely reprobated by

those whom they were intended to affect. They furnished materials for abundant invective, as they were thought to be adverse to personal liberty and freedom of speech. That they may be judged of, with the calmness which comes with the lapse of time, as to past events, it is worth while to speak of them more fully.

Among the legislative movements, intended to affect the official reputation of Mr. Adams, was the motion of Edward Livingston, made, originally, in February, 1800, in the House of Representatives, to call on the President for his reasons, for having delivered up to the British Jonathan Robbins, a native, and impressed American. The call having been answered, the motion was extended, February 20th, and made to inculpate the President, for a dangerous interference of the executive power with judicial decisions; that the compliance of the Judge (Bee, of South Carolina) was a sacrifice of the constitutional independence of the judiciary, and exposed the administration thereof to suspicion and reproach. Mr. Livingston supported his motion, in a speech of three hours; Mr. Gallatin and Mr. Nicholas did their best to sustain him.

On the other side, Mr. Bayard, Mr. Harper, Mr. Otis, Mr. Dana, and others, resisted the motion. On the 6th of March, *John Marshall* made his masterly and conclusive speech against the motion, which has been deemed equivalent to a judicial authority, and has been bound up in books of reports, and is referred to as such. The motion was finally rejected by a vote of about sixty-four to thirty-eight.

This was a mere party effort, whether the mover and his political friends so intended it to be or not. The unquestionable facts are, that this Jonathan Robbins was born at Waterford in Ireland; that his name was Thomas Nash; that he shipped on board the British frigate Hermoine; that in September, 1797, he, with others, murdered one or more of the officers, and among others Lieutenant Foreshaw; that he escaped and got to Charleston, and was there July 1st, 1799. He pretended that he was born at Danbury, (Connecticut,) but the selectmen certified, that

they knew of no such person, nor any one of the name of Robbins, in the town. Admiral Parker applied to Mr. Liston, the British minister, to request of the President to deliver up Nash, pursuant to the 27th article of the British treaty with the United States. The President wrote to Judge Bee to deliver him up, he then being in custody. Proper evidence of his identity, and of his crime, being presented to the judge, he was delivered up, tried, and executed. He confessed (it is said) at the time of execution, that he was Thomas Nash, born in Ireland.

Mr. Marshall's speech (late Chief Justice) went to prove, that this was a proper exercise of executive power under the treaty, as the crime was committed within the jurisdiction of Great Britain. His speech was a most satisfactory answer to the position taken on the other side, that Nash was punishable in the United States, if punishable at all, as a *pirate*. The cause for demanding Nash was, that he had committed *murder;* an offence against British, and not against American law; that whether he had also committed piracy, or not, (which crime, wheresoever committed, may be punished by any nation among whom the culprit may be found,) he was a proper subject for delivery under the 27th article of the treaty, as a murderer. So the House decided.

This incident is strongly illustrative of the times. It is well remembered, that the impression sought to be made on the public mind was, that the President had delivered up *one of his own countrymen*, in obedience to British requisition, to be *hung;* notwithstanding the accused *citizen* had done no more than he lawfully might do, to escape from the tyrannical *impressment* of the mistress of the seas. It is not surprising that any administration should be overthrown, when such calumnies were easily received as truths.

LETTER XXIX.

May 7, 1833.

Other legislative measures referred to, were the *alien* and *sedition* laws. In 1797, there were computed to be thirty thousand Frenchmen in the United States, all of whom were devoted to their native country, and all of whom were, in some way, associated, through clubs, or otherwise, and who had a strong fellow feeling. This number does not refer to the emigrants who had fled on the commencement of the revolution; but to men of a very different order, who had left France (after the monarchy had fallen), from necessity or choice. Besides these, there were computed to be fifty thousand who had been subjects of Great Britain, and some of whom had found it unsafe to remain at home. They fled to a country, as they understood it, where they should be free to do anything which they thought fit to do, in the name of "liberty," and where its enemies might be encountered, whether in office or not. A combination was formed and organized with more detail than is common in military usage, and prepared to act with union and effect, in any "emergency." Philadelphia, at that time the seat of government, was the head-quarters of this combination.

"The American Society of United Irishmen" was, at this time, a very formidable body. In the troubles in Ireland, the United Irishmen there, had revived their associations under the impulse of the French Revolution, and the British government encountered them with civil and military force. Some eminent men had joined the Union, and entertained the hope of securing an independent government. Thomas Addis Emmett engaged in this enterprise, which was wholly and disastrously unsuccessful. After a long imprisonment, that gentleman came to the United States in 1804, at the age of about forty, and rose to high

professional eminence. He was of amiable character, and was highly esteemed.* When the British government had entirely defeated the objects of the United Irishmen, it was proposed that they should be allowed to emigrate to the United States. This measure, Mr. King, then minister at London, strenuously opposed. After Mr. Emmett came to this country he discussed publicly, with some severity, this opposition. It is believed that Mr. Emmett did not otherwise interpose, in any respect, in political movements, on this side. Some who had been involved in the troubles of Ireland came to the United States in 1795, and the two following years, bringing with them, of course, a bitter hostility to the English government, and a devotion to France, naturally arising from the belief, that the great Republic was prevented only by British superiority at sea, from sending over a force competent to establish liberty in their native land. It was easy for such emigrants to learn, and believe, that the government of the United States was the proper object of their hatred, as identified with the government at home; and that everything tending to uphold and honor republican France, demanded their zealous attachment. The combinations of the United Irish could not be misunderstood by our government; and they were sufficiently alarming to require preventive measures. The Jacobin Clubs in the United States, if not then existing in name, were still so sympathetic with these

* A very characteristic anecdote is related of this gentleman, when he was pursuing his profession of counsellor at the bar of the Supreme Court of the United States. Mr. Emmett was accustomed to carry a simple eye-glass loosely in his hand, which he frequently applied to his eye when addressing the court or jury. On one occasion, in the year 1815, when opposed to Mr. Pinkney (William) of Maryland, mentioned in some of the previous letters, Mr. Pinkney resorted to some personalities, in the course of his argument, against Mr. Emmett. Bringing his eye-glass to his eye, Mr. Emmett thus addressed the court, referring to Mr. Pinkney, who had then lately returned from a foreign mission: "May it please your honors, I know not where the honorable gentleman learned his manners; but if in his late experience at foreign courts, he obtained them there, I am sure he could have kept no company; and if he took them with him, it is a great pity he did not leave them there," which reply, delivered with a slight brogue, was very effective.

alien combinations, as to be a most effective auxiliary. It is believed that they were still organized, and in full vigor; though they were put down in France after the fall of Robespierre.

In the then state of the country, in relation to France, (which might intend to send over a military force, relying on the aid to be found within our own territories,) these powerful allies were, very justly, a subject of alarm, and were so considered by the President.

In the official speech made to Congress, at the May session, 1797, the President makes these remarks: "It is impossible to conceal from ourselves or the world, that endeavors have been employed to foster and establish a division between the government and the people of the United States. To investigate the causes which have encouraged this attempt, is not necessary; but to repel, by united and decided councils, insinuations so derogatory to the honor, and the aggressions so dangerous to the constitution, union, and even independence of the states, is an indispensable duty.

"It must not be permitted to be doubted, whether the people of the United States will support the government established by their voluntary consent, and appointed by their free choice; or whether, surrendering themselves to the direction of foreign and domestic factions, in opposition to their own government, they will forfeit the honorable station which they have hitherto maintained."

Congress passed a law, which was approved, on the 18th of June, 1798, providing, among other things, for the manner in which aliens might become citizens, whereby the facility with which citizenship had before been acquired, was much restricted. 2. It empowered the President to order all such aliens, as he should judge to be dangerous to the peace and safety of the United States, or concerned in treasonable measures, to leave the United States. 3. To grant licenses to aliens to remain during the President's pleasure. 4. It provided imprisonment, not exceeding three years, to such aliens as remained without license, and perpetual disqualification to become citizens. 5. It authorized the President to

require bonds of aliens for good behavior. 6. Masters of vessels arriving in the United States, were required to report the names of aliens, if any were on board, under penalty of three hundred dollars.

It appears from a letter of Mr. Jefferson to Mr. Madison, (vol. iii. p. 389,) that the mere discussion of this law had a salutary effect. He says, "The threatening appearances from the alien bills, have so alarmed the French who are among us, that they are going off. A ship chartered by themselves for this purpose, will sail in about a fortnight for France, with as many as she can carry. Among these, I believe, will be *Volney*, who has, in truth, been the principal object aimed at by the law." This gentleman (Volney) has been before mentioned. He was a long time in this country, and was thought to be an emissary of France.

As this law was made at the suggestion of the President, (John Adams,) it furnished a new and prolific theme of reproach. It was called by the opposition a *British* measure; a servile copying of the forms of kingly despotism; and an incontestable proof of design to assimilate our government to that of England, and eventually to arrive at monarchy.

This law was considered, (and especially in Virginia,) by all opponents of the administration, as vesting in the President an authority capable of perversion to a most alarming extent. Although it was expressly limited to *aliens*, yet it was pretended, that it might be, and would be, applied to *native* citizens. The opposition presses poured out their invective with renewed vigor, and were able to make a deep and lasting impression. Yet, when considered in itself, independently of party excitements, every one must admit, that all governments ought to exercise the power of sending aliens from their territories, whenever their presence is, or may be, incompatible with the public peace and security. There can be no distinction between a monarchy and a republic, in this respect. The clamor against this law, undoubtedly, had a tendency to impair the President's popularity; though it is not recollected to have been carried into effect in a single instance.

The other law alluded to, was called the *sedition* law; and among the opposition, the "gag law." These were its principal provisions. It made punishable these offences, viz. 1. Defaming, or bringing into contempt, the Congress, or President. 2. Exciting the hatred of the people against them. 3. Stirring up sedition in the United States. 4. Raising unlawful combinations for resisting the laws, and lawful authorities. 5. Aiding and abetting foreign nations against the United States, their people, or government.

Looking back dispassionately to these days, with a full knowledge of the designs of France, and at the perils of the country, from its internal enemies, (though they did not so consider themselves, and therefore the more dangerous,) it is inconceivable that such a law should have been unwelcome to any, whom it was not intended to restrain. The *alien* law, it was said, if limited to aliens, was an exclusion of suffering patriots from the only asylum left to them on earth. This was odious enough, to be sure. But to make a law which prevented the free citizens of the United States from discussing the conduct and character of their own servants, and the nature of their public acts, was utterly intolerable. The complainants made no account of the fact, that punishment could not be inflicted under this law, but through the agency of a grand jury, in the first place; and then by the result of a trial by jurors, impartially selected from among the people. They disregarded, or knew not, how important a change was made of the English law of libel, then in force, by this very law, in the provision therein contained, that it should be lawful for the defendant to give in evidence the *truth* of the matter contained in the publication, charged as a libel; and that the jury should have the right to determine the law, and the fact, under the direction of the court.

There can be no stronger proof of the delusion which prevailed, than is found in the clamor against this law, from one end of the Union to the other. Intelligent American citizens joined in this clamor, and some eminent men of the opposition gave their able support to it. An alien, by the name of James Thompson Callender, was indicted under this law for the publication of a book,

entitled "The Prospect before Us," comprising a series of calumnies and libels against the measures of the government. Callender was convicted at Richmond, in May, 1800, on trial before Judge Chase. The manner of this trial constituted one article of impeachment against this magistrate. It was said, that Mr. Jefferson knew of this publication, before it appeared, and approved of it. However this may be, Mr. Jefferson admits, in a letter to Mr. Monroe, (vol. iii. p. 494,) that he knew Callender, and considered him "a man of science fled from persecution," and that he contributed to his relief. He afterwards contributed a second time; and gave him fifty dollars as a third *relief;* and again fifty dollars. Mr. Jefferson says, that Callender then asked the office of Postmaster at Richmond, which being refused, Callender became his enemy; and published, that Mr. Jefferson helped him to print his book.

Whether a sedition law was necessary or not, may be judged of from these extracts from Callender's "Prospect before Us." "The reign of Mr. Adams has been one continued tempest of malignant passions. He has never opened his lips, or lifted his pen, without threatening and scolding. Mr. Adams has labored, with melancholy success, to break up the bonds of social affection." "Adams and Washington have since been shaping a series of these paper jobbers, into judges and ambassadors, as their whole courage lies in want of shame. These poltroons, without risking a manly and intelligent defence of their own measures, raise an affected yelp against the corruption of the French Directory; as if any corruption would be more venal, more notorious, more execrated than their own." "Mr. Adams has only completed the scene of ignominy which Mr. Washington began." "By sending these ambassadors to Paris, Mr. Adams, and his British faction, designed to do nothing but mischief." "This hoary-headed incendiary (Adams) this libeller of the Governor of Virginia, bawls out, to arms! then to arms!" "He is not an object of envy, but of compassion and horror." "When a chief magistrate is, both in his speeches and newspapers, constantly

reviling France, he cannot expect, nor desire, to live long in peace with her." "Take your choice, then, between *Adams*, war and beggary; and JEFFERSON, peace and competency." These are only a small portion of similar expressions, which "The Prospect before Us" contains.

This unfortunate disagreement between this "man of science" and Mr. Jefferson, did not, probably, occur until the latter became President; because one of Mr. Jefferson's first official acts was the release of Callender from prison. The reason which Mr. Jefferson gives for this interposition, is a remarkable one; it is contained in a letter to George Hay, Esq. (in vol. iv. p. 75, written while Burr was on trial,) which shows how Mr. Jefferson construed constitutional power. He says, "In the cases of Callender and others, the judges determined the sedition act was valid, under the constitution; and exercised their regular powers of sentencing them to fine and imprisonment. But the executive," (that is, Thomas Jefferson,) "determined that the sedition act was a nullity, under the constitution, and exercised his regular power of prohibiting the execution of the sentence, or rather of executing the real law, which protected the acts of the defendants. From these different constructions of the same act, by different branches, less mischief arises than from giving any one of them a control over the others." Thus it is seen that Mr. Jefferson asserted the right of declaring any law a nullity, although the judicial power, which has the exclusive constitutional right to decide, had determined otherwise. This was not a perversion on his part, but was his notion of right and wrong. Duane, or Bache, it is not recollected which, (both of whom published papers of which Mr. Jefferson approved,) was one of the "others" to whom Mr. Jefferson alludes. This editor was under an indictment, at the suggestion of the Senate, for a libel on that body. Mr. Jefferson ordered this prosecution to be dropped, as soon as he became President. He also ordered the marshal of Virginia to pay back to Callender the fine of two hundred dollars imposed on him; though Mr. Jefferson might as lawfully have ordered the whole contents of the treasury to be paid to him.

The expediency, and even the necessity of the alien and sedition laws, cannot be doubted by any reasonable man, in the condition of the country at the close of the last century. Unless the people of the United States were disposed to see their own government, and their own public officers, submitted to the dominion of foreign and internal combinations, such laws ought to have had their respect and approbation. There may have been some provisions in these laws, which were inexpedient; that of vesting certain powers in the President, may be thought so. It would have saved him from some odium, perhaps, if the power to order aliens out of the country had been vested in some judicial officers. It is not obvious how the President was to acquire that knowledge of facts which would enable him to exercise his powers without oppression. It was an authority which an executive officer could hardly desire; and one which subsequent experience of official aptitudes would not incline one to see renewed. These were perilous days, originating in the distempered state of Europe; and it is to be hoped that the like will not recur from such or any other cause.

Among other legislative movements in the summer of 1798, was a proposition made by Mr. Griswold, (afterwards Governor of Connecticut,) to amend the sedition law, by providing for the punishment of such persons as interfered in the diplomatic affairs of the United States and foreign nations. Early in this year, a certain Dr. Logan departed from Philadelphia for Paris, charged with a *private* mission on *public* affairs to the Directory. By whom sent, was no secret. The House addressed the President, two to one, on this very serious subject; and a like address passed the Senate, with only five dissentients. In this address it is said, "We deplore that there are those who call themselves by the *American* name, who have daringly insulted our country, by an usurpation of powers not delegated to them, and by an obscure interference in our concerns."

Mr. Jefferson was said, at the time, to have sent Logan to Paris. In one of his letters, he answers some inquiry on this subject; and says, that the accusation is groundless; that Logan was self-ap-

pointed, and that he (Mr. Jefferson) did no more than to give him some sort of passport.

LETTER XXX.

May 17, 1833.

An act of Congress, re-organizing the judiciary, passed on the 13th of February, 1801, was considered almost universally, by the profession of the law, as a wise and expedient measure. It proved to be among the acts of Mr. Adams' administration which attracted, especially, Mr. Jefferson's disapprobation. The details of this act show it to have been prepared with great ability, and of all the objects of vindictive demolition, this, certainly, was best entitled to be spared. It divided the United States into six circuits, and provided for the appointment of three judges in each, leaving the judges of the Supreme Court to exercise power as a court of appeals, and for the correction of errors. Between the 13th of February and the 4th of March, all the judges were appointed by Mr. Adams, and the commissions issued. The individuals selected for these offices were men of high standing, and worthy of all confidence. But the popular cry was set up, and the measure vehemently condemned by all the Jeffersonian party. The judges were called "the midnight judges of John Adams," in allusion to the supposed time of appointment, at the close of his official duties. It will hereafter be seen what Mr. Jefferson thought of this measure. He said, though one can hardly credit that he did so, that he regarded all Mr. Adams' appointments after the 14th of February, (while the House of Representatives were balloting for President,) as absolutely void. This must be understood to mean, that though Mr. Adams was constitutionally President up to the midnight hour of the 3d of March, yet he

ought to have submitted his will to that of his successor; and should have refrained from carrying an act of Congress into effect which might not conform to that will. On the same principle, Mr. Jefferson withheld the commissions of certain magistrates, whom Mr. Adams had appointed, in the District of Columbia. The commissions were made out, and ready for delivery, but Mr. Jefferson ordered them to be suppressed. One of these magistrates (Mr. Marbury) applied to the Supreme Court for a writ of mandamus (command) to Mr. Madison, the new President's Secretary of State, to deliver his commission. But after an able investigation of constitutional law, the court did not grant the motion. Mr. Jefferson found a commission, duly made out and signed by Mr. Adams, appointing a gentleman District Judge in Rhode Island. This commission he suppressed, and Mr. Jefferson appointed one in *whom he could confide.*

Among his friends, President Adams was thought to have exercised an indiscreet act of mercy in pardoning one John Fries. This person was tried at the Circuit Court of the United States, held at Philadelphia in April, 1800, on a charge of treason. Samuel Chase, a Judge of the Supreme Court of the United States, and the District Judge, Peters, sat in the trial.

The "federal" administration of the government of the United States terminated with Mr. Adams' four years, on the 4th of March, 1801. Whether it would have continued longer, if some other man of that party had been Washington's successor, can only be matter of conjecture. This may perhaps be admitted, that some other man, Thomas Pinckney, for example, might have conducted public affairs with more prudence and conciliation. Mr. Adams was liable to sudden impressions, and was little inclined to surrender them under the influence of counsel. He felt great confidence in the purity and soundness of his own views, and thought the good of the country required that they should be carried into effect. He failed, probably, in testing his own opinions by comparing them with the opinions of other men. Such comparison cannot depreciate sound opinions, and may often

correct erroneous ones. It may be, that Mr. Adams had some tendency to be jealous of those around him, and disposed to apprehend that they meant to exercise a control, to which it would be derogatory to submit. But this apprehension would not prevent a dignified inquiry into the sentiments of others; nor an adherence to his own, if they remained unshaken. It may be, too, that Mr. Adams over-valued his own services and importance, as a public man; and was inclined to be his own counsellor with more pertinacity than became a person of his knowledge and actual experience. Whatever may have been his qualities, this is certain, that he aided the purposes of his political adversaries, and disconcerted some of his best political friends. It is very possible, therefore, that a more discreet man might have continued the federal party in power, for another term. But Mr. Jefferson and his partisans and newspapers, had made such and so general an impression on public opinion, as to demonstrate, that the original construction of constitutional power was not destined to endure. The control which a certain class of men, in this country, are likely ever to have over a majority, leads to the conclusion, that they will always impose on such men, as constituted the federal party, the duty of forming an opposition, or of submitting to a popular despotism. This, as history proves, again and again, is the precursor of real despotism. Such seems to have been man's destiny; and what there is, or may be, to exempt Americans from it, is not discerned from any experience hitherto had.

Taking out of the case Mr. Adams' peculiarities, the measures of his four years were honorable and useful to the country; incomparably more so (as will be proved) than those of the next eight years. If the purpose of establishing a national constitution was, to maintain the honor, dignity and independence of the United States with foreign powers; to preserve peace and security within our own limits; to provide for the pure and able administration of justice; and to use all the powers delegated as they were used the first eight years, that is, *for the good of the*

whole, and not for the benefit of a party, the federal administration under Adams accomplished these purposes.

As to foreign powers: a good understanding was preserved with England. A favorable treaty was made with Tripoli. The former connection with France was annulled, and provision made for defending the country, and for maintaining its rights by force. These efforts were successful; hostilities soon ceased, and a favorable convention, or treaty, was effected. The prosecution of the war was in a spirit well worthy of the national honor, while it continued. The proper measures were adopted to preserve interior tranquillity; and to prevent the threatened dominion of deluded, or mischievous factions. A faithful performance of duty as to the promotion of all those objects which constitute domestic welfare and prosperity, is apparent from the various statutes which were passed. Among others, there was an act establishing a uniform system of bankruptcy, which the Jeffersonian administration permitted to expire. The naturalization of aliens was placed on a rational and safe basis. The judiciary was carefully revised, and a system for the administration of justice was arranged, founded on the experience of several years, and having a prospective bearing on the probable exigencies of the country. The navy was advanced and placed on a respectable footing; and has now become an object of popular favor. In short, a more energetic, pure, and patriotic exercise of constitutional power, could neither be expected nor desired.

But this exercise of the power of government necessarily involved expense. It was necessary to resort to loans, and to internal taxation. These were causes of declamation and reproach; and were most faithfully availed of, to make the administration, and especially Mr. Adams, odious in popular estimation. Thus it appeared then, as it has done ever since, that the adroit and cunning who rule the multitude, may do what they will; and burden the country to any extent, involve it in hopeless war, and pervert all its institutions at their pleasure, and yet, all is well. "*The friends of the people*" can do no wrong.

LETTER XXXI.

May 21, 1833.

On the 14th of December, 1799, General Washington died, after a short illness. On Friday, the 13th, he had been exposed to a light rain; and his hair and neck became wet. He followed his usual occupations, within his house, during the afternoon and evening, without any indisposition. In the following night he was affected by a general ague, and with a difficulty in swallowing; but no apprehension was then entertained that he was seriously ill. At eleven the next day physicians attended, who found all their skill was required. The disorder in the throat was seen to be an affection of the wind-pipe, usually called the croup. Every effort was made to rescue him from the attack, and he patiently submitted to all the prescriptions of his attendants. Perceiving, before the close of the day, that his recovery was beyond hope, he desired to be relieved from any further efforts, and to take his position on his bed. There, with perfect calmness and resignation, he remarked to a friend that he had known for some time, that he was dying, but that he was not afraid to die. At eleven o'olock, the same evening, he expired.

The decease of Washington was apparently a cause of universal mourning. That portion of the citizens who had always held him in the highest respect and honor, were sincerely mourners, while those who had felt his example and influence, to be a restraint on their purposes, could join in the general grief with pleasure. The most respectful demonstrations of the national loss, were everywhere shown. The halls of Congress were hung with black, and General Henry Lee, of Virginia, was appointed to deliver a eulogy before the House of Representatives. The state legislatures expressed their respect for the conduct and character of Washington, by appointing orators to commemorate him, or

by such other testimonials as the occasion called for. Various societies, of which Washington was a member, appointed eulogists. Fisher Ames and George R. Minot were among the orators in Boston. It is worth remarking, that the general sentiment of respect and affection for this eminent man was so exalted, that few of the orators did, or could, come up to the demand. The feeling of these public speakers was, and must have been, that of deep veneration, a feeling not adapted to bring forth the touching expressions which would be grateful to a numerous audience. Washington's character was rather to be contemplated, than talked of. He was to be estimated by comparison with other men, and an eulogy does not permit of this. His eminent worth was to be found in no one brilliant act, nor in any remarkable achievements, but in a whole life of useful, dignified and honorable service. Most of the eulogists were compelled to resort to biographical sketches, which do not admit of much eloquence. Even Mr. Ames did not succeed, in this effort, so well as the undefined expectation of his audience required. The enthusiasm of the French better adapts oratory to funeral eulogy, than the good sense and sobriety of Englishmen, or Americans. Such efforts are rarely attempted in England, though common in France.

In Congress, a resolve was passed to raise a monument in the city of Washington, and application was made to Mrs. Washington for permission to deposit beneath it the remains of her husband. This lady assented. But the resolve itself, is the only monument hitherto raised; and the remains of Washington repose in the family tomb at Mount Vernon, and are there to remain, so far as can now be discerned. The more lengthened the remove from Washington's lifetime, the less, it is feared, will Washington be remembered. Probably a large proportion of the adult population of the United States hardly know who, or what he was; and there may be some *voters* who know not that there ever was such a man. The intelligent people of other countries seem to know more of Washington, and to respect his character more, than is com-

mon among his own countrymen. His military and civil example, and his eminent virtues as a man, have given him a rank in foreign estimation, which make *mankind* proud of him. If his own countrymen have forgotten him, or if certain self-stamped patriots so misunderstand his character, as to call themselves his disciples, it is grateful to know that the intelligent of other countries are better informed.

It might have been expected, that a grateful nation would have demanded of Congress, to adorn the city that bears the name of Washington, with such a monument as would illustrate the sense of his merits. Since March 4, 1801, that assembly have had too much business of their own to attend to, to think much of that which is purely public, and free from party. Marshall has raised one monument by his able pen. Another is preparing through the indefatigable industry of Mr. Sparks. The latter is a judicious selection from the voluminous writings of Washington, designed to show the state of his own thoughts, in the most eventful and interesting periods of his life. Five volumes, the 2d to the 6th, have appeared, and are understood to have satisfied the public wishes, and to have fully sustained the high reputation of Mr. Sparks. But these are monuments for *readers*. The national monument should rise for every eye, and that all who behold it, may be reminded of him to whom they are far more indebted, than to any other man, for civil liberty; and which may keep alive the desire to know under what circumstances, and for what purposes, he lived. The marble is now submitted to the masterly genius of *Greenough*, and the Capitol may be adorned with it in time to save the country from the charge of ingratitude.*

* The statue now stands temporarily in the Rotunda of the Capitol at Washington.

LETTER XXXII.

May 27, 1833.

Mr. Jefferson left the office of Secretary of State, December 31, 1793, and remained at Monticello, till called to the Vice Presidency, in March, 1797; although in retirement, he was not inattentive to the transactions at the seat of government. The proof of this is found in the letter written by him to an Italian, named Mazzei, under date of 24th of April, 1796. This Italian had come over to America, under the expectation of being able to cultivate the vine in Virginia, and had chosen Mr. Jefferson's neighborhood for his purpose. An intimacy appears to have grown up; and Mazzei having returned to Florence, Mr. Jefferson wrote to him, as may be presumed, in the utmost confidence; and discloses his own views of Washington's administration. This letter appears to have been carefully, not to say studiedly, written. Whether the writer intended it should be published or not, it is not easy to decide. Perhaps he intended it should be, and to take the good or evil of the publication. Its contents, when compared with the animadversions which appeared in Freneau's paper, and also in Bache's, very clearly prove, that these must have had Mr. Jefferson's hearty concurrence. This letter was published in the *Moniteur* of Paris, on the 25th of January, 1798, with many commentaries. Thence it came to this country, and was published here. It excited great attention among both parties. The partisans of Mr. Jefferson were not so far devoted to France, as to relish so unqualified a denunciation of the administration of their own country. They had no resource but to consider it a malignant forgery, designed to disparage Mr. Jefferson. From him, nothing was heard on the subject. The federal party had no doubt of the authenticity of the letter. They understood well, the views and purposes of this gentleman,

and saw in this letter a perfect accordance therewith. The letter was as follows :*

(*From the Paris Moniteur, a French official paper, of the 25th of January*, 1798.†)

"*Monticello, April* 24, 1796.

"DEAR SIR,

"Our political situation is prodigiously changed since you left us.‡ Instead of that noble love of liberty, and that republican government, which carried us through the dangers of the war, an Anglo-Monarchic-Aristocratic party has arisen. Their avowed object is to impose on us the *substance*, as they have already given us the *form*, of the British government. Nevertheless, the principal body of our citizens remain faithful to republican principles, and also the *men of talents*. We have against us (republicans) the EXECUTIVE power and the JUDICIARY; (two of the three branches of our government;) ALL the OFFICERS of government, all who are seeking for offices, all timid men who prefer the calm of despotism to the tempestuous sea of liberty; the British merchants, and the Americans who trade on British capital, the speculators, persons interested in the bank and public funds: [Establishments invented with views of corruption, and to assimilate us to the British model, in its corrupt parts.]

* Since this page was written, a very able analysis of Mr. Jefferson's attempts to explain away this Mazzei letter, has appeared in the "History of the Hartford Convention," by Theodore Dwight; see pages 23 to 25. This attempt at explanation was not published in Mr. Jefferson's lifetime, but is found in his volumes. Whoever reads Mr. Dwight's analysis will be satisfied, that Mr. Jefferson's effort on this occasion, to preserve his fame as a fair, plain-dealing man, has been very far from successful; and that if he intended his letter should find its way to the press, he made a blunder; and if he did not, he was chagrined by the publication.

† This letter, literally translated, is addressed to Mazzei, author of Researches, Historical and Political, upon the United States of America, resident in Tuscany.

‡ It does not appear when Mazzei came, nor when he left the United States. It is probable, from the tenor of this letter, that both these events happened before the adoption of the Constitution. If so, it shows that Mr. Jefferson preferred the condition antecedent to the adoption.

"I should give you a fever if I should name the APOSTATES who have embraced these heresies, men who were Solomons in council, and Samsons in combat, but whose hair has been cut off by the whore of England. They would wrest from us that liberty, which we have obtained by so much labor and peril; but we shall preserve it. Our mass of weight and riches is so powerful, that we have nothing to fear from any attempt against us by force. It is sufficient that we guard ourselves, and that we *break* the LILLIPUTIAN TIES by which they have bound us, in the first slumbers that succeeded our labors. It suffices that we arrest the progress of that system of ingratitude and injustice towards France, from which they would alienate us, to bring us under British influence."

It is obvious, that in 1796, while Mr. Jefferson was a private citizen, he had no means of keeping himself in view, but by private conversation and correspondence. This letter, compared with others of his, seems to have been written for *effect;* the concluding paragraph, especially, was adapted to the meridian of Paris, and there it may have been *intended* to go, and there it did go. Would any *gentleman* have ventured to make such a letter public, without some intimation from the writer, that such use of it would be agreeable to him?

Yet it seems that the publication of this letter greatly disconcerted Mr. Jefferson. He shows his trouble in a communication to his friend, Mr. Madison. Now as Mr. Jefferson takes the greatest pains to prove that he always retained the good will of Washington, whose honorable fame he had not been able to demolish, but had found it necessary to sustain his own by showing that Washington thought well of him, it was *indiscreet* to publish this letter to Mr. Madison. In truth, it is wonderful that Mr. Jefferson should have prepared such matters for publication as his volumes contain; more wonderful, that his surviving friends should have published from his own pen, a confirmation of all the political blunders which federalists charged him with. Nor of such blunders only; for as to the *true character of the man*, these volumes contain the

proof of facts, which, but for them, would have rested much on probability and inference. In this letter to Mr. Madison, (August 3, 1797, vol. iii. p. 363,) after an ingenious commentary on what he *did mean* in his letter to Mazzei, he says, "Now it would be impossible for me to explain this publicly, *without bringing on a personal difference* between General Washington and myself, which nothing, before the publication of this letter, has ever done. It would embroil me also, with all those with whom his character is *still* popular, that is to say, with *nine-tenths* of the United States. And what good would be done by avowing the letter with the necessary explanations? Very little, indeed, in my opinion, to counterbalance a great deal of harm. From my silence, in this instance, it cannot be inferred, that I am afraid to own the general sentiments of the letter. If I am subject to either imputation it is to avowing such sentiments too frankly, both in private and public, often when there is no necessity for it, merely because I DISDAIN EVERYTHING LIKE DUPLICITY. Still, however, I am open to conviction. Think for me on the occasion, and advise me what to do, and confer with Colonel Monroe on the subject."

It does not appear that these two counsellors were able to relieve their friend from his distress; though it does appear that he never afterwards ventured to see Washington, or went to Mount Vernon but once afterwards, and then for the purpose of *weeping* at his tomb.

It is probable that Mr. Jefferson felt the full weight of the embarrassment, of reconciling this Mazzei letter with his solemn declarations in the Senate chamber; and with his oath there taken, that he would support the same constitution, notwithstanding he told Mazzei that it was Lilliputian ties, and the substance and the form of the British government. These declarations were made, and this oath taken, within a year before this letter was published in the United States, and within a year after that letter was written.

Extract from the Inaugural Address of Mr. Jefferson, when inducted into the office of Vice President of the United States, March 4th, 1797.

"I might here proceed, and with the GREATEST TRUTH, to declare my *zealous attachment to the constitution of the United States;* that I consider the Union of these states as the first of blessings; and as the first of duties, the preservation of that *constitution which secures it;* but I suppose these declarations not pertinent to the occasion of entering into an office whose primary business is merely, to preside over the forms of this House; and no one more sincerely prays, that no accident may call me to the higher, and more important function, which the constitution eventually devolves on this office. These have been justly confided to the eminent character who has preceded me here, whose *talents* and *integrity have been known and revered by me*, through a long course of years; have been the foundation of a cordial and uninterrupted friendship between us; and I devoutly pray he may be long preserved for the government, the happiness, and prosperity of our common country."

Now compare these sentiments with the *real* ones entertained by Mr. Jefferson, concerning the constitution and Mr. Adams, as *confidentially* expressed in Mr. Jefferson's volumes, and the *true* character of the man, in public and in private, stands forth, stripped of all masks and disguises. "But, (say Jefferson's partisans,) admit all these facts; call them contrivances, duplicities and frauds, if you will; did not Jefferson demolish *federalism!*" He did. But the question is, did he do good to his country by that; or only to HIS PARTY? If only to the latter, (if good it can be called,) do the members of his party approve the *means* which he used? If they do, they should not claim for Mr. Jefferson sentiments due only to the just and pure. It may appear, on further examination of Mr. Jefferson's public life, that no man has lived in the United States who has done so much to be lamented as has been done by him. It may appear, that he did no good even to his party, if they are intelligent and worthy citizens

of a free republic. The good which Mr. Jefferson did for himself may be tested by this: Who would have had that good, and that character of himself, which Mr. Jefferson has published and submitted to the world?

When Mr. Jefferson came to Philadelphia, in March, 1797, he was about fifty-four years of age. His personal appearance, as now recollected, was this: He was a tall man, over six feet in stature; neither full nor thin in body. His limbs were long, and loosely jointed. His hair was of a reddish tinge, combed loosely over the forehead and at the sides, and tied behind. His complexion was light or sandy. His forehead rather high and broad. His eyebrows long and straight; his eyes blue, his cheek-bones high, his face broad beneath his eyes, his chin long and his mouth large. His dress was a black coat and light under-clothes. He had no polish of manners, but a simplicity and sobriety of deportment. He was quiet and unobtrusive, and yet a stranger would perceive, that he was in the presence of one who was not a common man. His manner of conversing was calm and deliberate, and free from all gesticulation; but he spoke like one who considered himself entitled to deference; and as though he measured what he said by some standard of self-complacency. The expression of his face was that of thoughtfulness and observation; and, certainly, not that of openness and frankness. When speaking, he did not look at his auditor, but cast his eyes towards the ceiling, or anywhere but at the eye of his listener. He had already become a personage of some distinction, and an object of curiosity, even to a very young man. These personal descriptions are from memory, after the lapse of many years, and may not accord with those of persons who had more and better opportunities to observe; and are not, therefore, offered with confidence, that Mr. Jefferson is here, in all respects, justly described.

During his vice-presidency, Mr. Jefferson was employed, as usual for that officer, in the Senate. It does not appear that the Vice President was ever called to cabinet meetings in Washington's time; or that Mr. Jefferson was ever called to such meetings

in the presidency of Mr. Adams, or advised with by him in any way. One of his volumes shows that he continued his correspondence, especially with Mr. Madison, who was carefully advised of congressional proceedings. Of his letters, Mr. Jefferson must have kept copies, (which is not supposed to be a common practice in familiar correspondence,) perhaps with intention to make them public, as he has done. This is an unusual course, because the parties written to have an interest in that matter. Mr. Madison, Mr. Giles, Mr. Monroe, Dr. Rush and others, derive no benefit from the publication of Mr. Jefferson's letters to them. He compiled a small volume of rules, for the government of the Senate. It is called Jefferson's Manual, and is a work of authority, and much respected.

The very "great services" which he rendered in these four years, (as stated on his application to the Virginia legislature for leave to sell his estate by lottery,) in "making head against federalism," are not recorded in his copies of letters of his time, as one naturally expects to find them to have been. Nor are these "services" specially noticed as having been rendered within this time, though he considers them (on the occasion before mentioned) as the most important achievement of his political life. In this, as in some other instances, there is some ground for suspecting Mr. Jefferson of having resorted to *after thoughts*, when it was convenient to do so, to meet present emergencies. Whether this was so, or not, readers will have an opportunity to form their own opinions.

It is to be remembered, that this is not an attack, but a defence; and that in defending, it is indispensable to show Mr. Jefferson's own character, as disclosed by himself.

LETTER XXXIII.

June 1, 1833.

No man has appeared in the United States in the last fifty years, whose character, public and private, has been so differently estimated as that of Thomas Jefferson. By some persons he has been considered as one of the most pure, amiable, dignified, wise and patriotic of men. By others he has been considered, as remarkably defective in the qualities which dignify and adorn human life; and as one of the worst men, and most wrong-headed statesmen that ever lived. As Mr. Jefferson was neither a military man, nor an orator, nor public speaker at all, and had only, as means of influencing others, conversation and his pen, he acquired an astonishing ascendancy over the American people. Readers will judge for themselves, which of these parties was right, and which was wrong. The present object is to exhibit Mr. Jefferson as he has seen fit to exhibit himself, taking the product of his own pen as the principal guide. He is his own voluntary witness; and it is an inflexible rule, that every man makes the best of his own case; and that no evidence is so strong as one's own admissions. Mr. Jefferson employed himself in preparing the materials for a work, which he intended to have published to the world. He so employed himself, not in the hurry of the official scenes in which he had been long engaged; but in the calmness of retired life; with the benefit of retrospection, and with the consciousness that he had a *defence* to make. If not so, then with the belief that he deserved a better fame, than might be allowed to him, if he did not plead his own cause.

Before Mr. Jefferson is judged of, on the evidence which he has furnished himself, it may be proper to recognize some rules to be applied in estimating character. There are certain qualities which entitle a man to his own self-respect. He desires to be

considered, by others, as having these qualities. Among these are, regard for the *truth;* for no man endures the charge of *mendacity.* Every one desires to be considered *honest;* for, to be even suspected of dishonesty, is to lose all just pretensions to esteem in the social relations of life. A *gentleman* desires to be considered as above all propensity to abuse the confidence, which the common intercourse of society requires. That which men express in the friendly and social circle, in the fulness of the heart, and without a suspicion of malicious use of what is so expressed, and with a certainty of freedom from all deliberative misrepresentation, is ever held, by *gentlemen,* to be sacred. If this were not so, the intercommunication of thought must be excluded from social life, and every one must speak as though in the presence of his enemies. Among well-informed and polished men, there is a rule which approaches near to the golden rule, "Do as you would be done by," even though one feels no respect for the authority from which it comes. There is a class of high-minded men in society, who add to the acknowledged law of honor, the sanction of Christian duty, which demands candor, charity, forbearance; and who consider the rule, above mentioned, as intended to be the best which can be prescribed, because it is founded in the human heart.

Statesmen in a republic, who are called to the performance of a public trust, are presumed to know, that they undertake such trust, under a very solemn obligation, to execute it according to prescribed rules. They may misunderstand these rules; if they do, they have not the capacity which the trust implies. They may misapply these rules; if so, they have not the intelligence which they assumed to have, when they bound themselves to observe them. They may intentionally pervert these rules, or substitute their own will for them; if so, they are false and fraudulent. As all men in office are merely agents for constituents, they are held to account for capacity, intelligence, and fidelity. While they live, their constituents have the remedy of finding worthier agents, by the peaceable remedy of elections. When

they have passed away, there is no earthly tribunal but that of public opinion. No man, not even the malefactor who dies by the halter, is regardless of what will be said of him, when he is dead. This sensibility is, doubtless, one of the provisions of man's Creator, to keep him in the path of his duties.

There must always be two classes of public men in a free elective government. One of them holds political and social life, to be ordained by the Deity; that man's natural propensities and wants, properly regulated, were intended to prompt him to secure to himself the greatest good which he can have; that the establishment of wise rules, and the faithful observance of them, in all social and political relations, secure to rulers and to the ruled, the best condition which they can have. This class also holds, that all official station is a mere trust, to be executed wisely and honestly for the common welfare. Those who are called to this trust, hope for the esteem and respect of their constituents; if they fail to obtain these, they cannot be deprived of the consciousness of having deserved them. But, even for this class of public men, there cannot be claimed an exemption from errors, incident to human nature.

The other class see in human society, only the means of satisfying the worst cravings of the human heart. They seek dominion, not for the common welfare, but for themselves. They use the rules established for the general good to secure that dominion. They know that they must have adversaries in the first mentioned class, and in all who support that class. These adversaries, collectively and individually, must be traduced, calumniated, and made odious. To their leaders must be denied talents and integrity. They must be accused of the basest designs. The *sovereign people* must be made to believe these criminations. To this end, any fraud, cunning, perversion, or machination, is justifiable. Private intercommunication, the public press, assuming to be friends and protectors of the people against their enemies, and to be the mere instruments of executing a popular will, which they create themselves, are the well-known means. Why should not

not the great mass of the community be deceived by such means? They hear and read, only as these crafty politicians order. Why should they not believe what their best friends tell them for truths? To what an anxious, miserable servitude do these politicians condemn themselves! Some of them prosper, it is true, to the end of life; but in general, they are found out, and they close their career with sorrow and disgrace.

Among this great political class, there are prominent men, who have acquired the sincere belief, (from the habit of contemplating the acts, and designs of adversaries, in peculiar lights,) that the country cannot be safe in any hands but their own. They see through a distorting medium, but are honest in their views. Then there is a portion who are sincerely republican, as they understand the matter, who feel, rather than reason, on the political system, and who are liable to great mistakes. Then there is the class who misunderstand the meaning of "liberty and equality," and the order of society; and who think any order must be wrong, which does not place them in positions as desirable as those which they see others to have. Then there are the *master spirits* who know how to excite, regulate and control all these classes. To this combination, add the leaven of party feeling, made up of hopes and fears, partialities and enmities, confidence and jealousy, ambition and avarice, and one comes to the dominant power in most popular governments. This power vehemently maintains, *in words*, the excellence of civil liberty; and conducts, *by acts*, inevitably to despotism. To this condition Americans seem to be hastening, notwithstanding they have the advantages of schools, means of instruction, and a free press.

At first view, it strikes one with astonishment, that the great mass of citizens, who suffer most from the errors of ignorant rulers, or the frauds of dishonest ones, should sustain and applaud both of these classes of politicians. But one ought rather to be astonished, that a government which is conducted merely on party dominion, has continued as long as it has. Let any man examine into the true state of information in any city, town, or village, in

the United States, and satisfy himself as to the sources of information which he finds there; and he cannot wonder at the opinions which are prevalent, nor doubt as to the motives by which they are imparted. He may lament, as he will, that such opinions exist, but he can no more change them by stating truths, than he can change the stature of those who entertain them, by wishing to do it. The great mass of voters are not to be reproached for their errors in judgment, as to men, or measures. For, to the natural impatience and proneness to complain, which mankind have, under almost any government, is to be added the unceasing effort of the "people's friends" to teach that, and that only, which they desire to have this mass believe to be true.

Whether Mr. Jefferson belonged to the honorable, high-minded, and intelligent order of statesmen, or to the managing, contriving, and unprincipled class of politicians, it is not assumed to decide. But it is intended so to arrange the materials, (furnished by himself,) for forming a judgment, as to enable others to decide for themselves. There is no reason why Mr. Jefferson should be exempted from appearing before that tribunal at which he has arraigned so many of his eminent countrymen. Is there (to use one of Mr. Jefferson's favorite words) a *sacrosanct* protection, or panoply for him and for no other man? If so, is it found in his virtues, in his example, in his science, in his philosophy, in his religion, in his public services, his political wisdom and fidelity? Let Mr. Jefferson speak for himself. But why should the repose of the dead be disturbed? If Mr. Jefferson had lived out his term, and left his fame to history, as Washington, Jay, Adams, and others have done, he would not have been now a subject of commentary. If he had left for publication his claims to the respect and gratitude of his countrymen, without interfering with the like claims of other men, history would have only to deal with him, as with other men.

But when it comes to this, that in striving to uphold and honor his own fame, he attempts to deprive all his cotemporaries, who were not of his own school, not only of the ordinary respect and

consideration to which men in public life may be supposed entitled, but to brand them as conspirators and traitors, is he to go unanswered? If it be said that history will do justice, will it not also be asked, where were the survivors of those who were charged with misdemeanors and crimes? Where were their sons and descendants? Why were they *silent* in their time? Have they not pleaded *guilty*, by their silence, to all the criminations of Mr. Jefferson, both as to themselves, and their fathers?

It is not to present Mr. Jefferson in unfavorable lights, that these pages concerning him are written; but to show the true value of his testimony against others. If he had left the federalists to be judged of, when he left the earth, without his testimony against them, they would have had no cause of complaint against him. His public acts, and their public acts, remain recorded. These would have been examined, as the proper authorities, for the estimation of his merits, and of their merits, as public agents. The bitterness of party feeling, the personalities and enmities of adversaries, would not have appeared in these records. Time would have obliterated all memory of them. It is, then, a surprising and sorrowful fact, that a retired President of the United States should have gathered the memoranda of his own unkind feelings, the tattle of his associates, the hearsay of excited partisans, the minutes of private and confidential intercourse among guests invited to his own table, and dignify them with the title of "Memoirs and Writings of Thomas Jefferson!" This would only have been the subject of regret and pity, if it could be so understood in distant times, as it, probably, now is, by a great majority of all who have read these writings. But these writings will continue, and may be considered true, when those mentioned in them will not be known as they were known while they lived. It is then a duty, and one of which the performance is demanded by truth, justice and patriotism, to weigh the worth of Mr. Jefferson's testimony.

In contemplation of his posthumous work, Mr. Jefferson says, under date apparently of February 14th, 1818, (vol. iv. p. 443,)

"At this day, after the lapse of twenty-five years or more, from their dates, I have given to the whole a calm revisal, *when the passions of the time have passed away, and the reasons of the transactions act alone on the judgment.* Some of the informations I had recorded, are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal, or private; with which we have nothing to do." We are, therefore, to take all that Mr. Jefferson retains to be correct, free from doubt, and neither personal nor private; and also to be that which Mr. Jefferson intended for the world after "*calm revisal.*"

LETTER XXXIV.

JUNE 5, 1833.

THE perusal of Mr. Jefferson's writings raises the very difficult question, What was his *motive* for preparing them, and leaving them for publication?

Did the writer, in this case, mean only to vindicate himself against aspersions made in his lifetime; or against calumnies which might arise after he was gone? Did he mean to arrogate to himself pre-eminent merit, as a citizen and statesman? If so, was it necessary to his purpose to deny all merit to cotemporaneous adversaries? Was it necessary to impute to these adversaries deliberate wickedness, long cherished and persevered in? If he thought such a course necessary or proper, how should it have happened that he so managed the matter as to have furnished to these adversaries, all the *proofs* which they could desire, of the errors and wrongs which they had imputed to him?

The only candid answer that can be given to such inquiries is, that Mr. Jefferson entertained very erroneous opinions of himself, and of others, and of the nature of society. It is the more to be

regretted, both for himself and his country, if he was perfectly sincere in what he said and did; and believed himself to be what he professed to be. From his self-education, and the course of his studies, from the natural turn of his mind, his perceptions of his fellow men, and of the natural and necessary laws of society, it is probable that he had formed rules of right and wrong, adverse to those commonly received. It is also probable, that Mr. Jefferson did not always respect the rules of moral action, which those who live according to Christian precepts, are supposed to observe. It was doubtful, at least, before Mr. Jefferson's books appeared, whether he had any sound opinions on civil government; and whether he understood the true meaning of the political institutions under which he lived. His books have had no tendency to affect these doubts favorably to him; certainly none to prove, that he was wise and useful in his application of the rules, which the supreme law of the land prescribed to him.

Whatever Mr. Jefferson may have *said* of constitutional rules, he thought himself under no obligation to observe them, whenever he found them inconsistent with his own views of expediency. He supposed a deliberate and solemn establishment of a form of government, intended by one generation for their own welfare, and that of all succeeding ones, until changed with the like solemnities, bound only the generation by which it was established. Selected to be the chief ruler by the people, he was the proper organ for expressing their will, "Lilliputian ties" notwithstanding. Even in this political latitudinarianism, if he did not like the motive which he had assigned for any act done by him, he was at liberty to assign any other, adapted to a present exigency. If Mr. Jefferson's writings show that such were his opinions, it does not necessarily follow that he was *intentionally* wrong. It only shows that such was the character of the man. How far he has maintained his claim to the respect and gratitude of his countrymen, as "the great and good Mr. Jefferson," is quite another matter.

With no part of Mr. Jefferson's life, before he became an agent for the United States, is it intended to interfere. His services to his native state, his fellow citizens there will estimate. At the age of forty-one, (in 1784,) he departed from the United States, to represent his country at the French Court. He had, before that time, written his "Notes on Virginia," in which he had expressed some opinions tending to show, that he might be prepared to regard with complacency, the doctrines which prevailed among certain philosophers. These men, (Voltaire, Rousseau, D'Alembert, Diderot, and others,) as is well known from their lives and writings, had expressed a total disregard of some precepts, which other men, commonly reputed to be wise and virtuous, held in high respect. While he was there, the French Revolution began; and it is in nowise discreditable to Mr. Jefferson, that he expected from it a political and social renovation, which no country could be more in need of than France. In this fermenting region, Mr. Jefferson remained until the close of 1789, and then came home. Meanwhile the national government had been established, and he had been invited, by President Washington, to take the place of Secretary of State, which he did, at New York, on the 22d of March, 1790.

Mr. Jefferson had never approved of the constitution. He came into place with an honest and decided dislike of some of its powers. He came in also, with an equally honest and inveterate hostility to England; and with a zealous devotion to the revolutionary measures of France. He had, no doubt, such recollection of English measures during the war, and while he was governor of Virginia, as may have been a full justification, in his own mind, for all the opinions which he entertained. The necessity, and the utility, of the changes going on in France, were also sober convictions. Many other men, quite as honest and clear-sighted as Mr. Jefferson, thought as he did, as to France, at that time. Whether he carried into public policy his hostility towards one nation, and his affectionate attachment to another, so thoroughly as to lose all

consideration for the interests of his own country, is a question on which there were two opinions among his countrymen.

Mr. Jefferson found Alexander Hamilton at the head of the treasury, Henry Knox at the head of the war department, and Edmund Randolph, Attorney General, and these persons, with himself, were the constitutional advisers of the President. It is probable that this selection was made to inspire confidence in the administration. Hamilton was much esteemed in the state of New York, wherein there was a strong minority against the constitution. Knox was highly esteemed in Massachusetts, where there was also a strong minority. From Virginia, where the like opposition was vehemently manifested, it was perhaps deemed expedient to take two members of the cabinet, both of them men of distinction, and one of them eminently so; and both of them well known to have been adverse to the constitution. It may have been the intention of the President to have, in his councils, both sides of the case.

It is well proved, that from the beginning Mr. Jefferson and Colonel Hamilton had very different views of expediency; equally well proved, that these gentlemen became personally opposed, if not personal enemies, and so much so as to call for the interference of the President to attempt a reconciliation. Here may, perhaps, be found one of the causes of the political conduct of Mr. Jefferson, and some of his motives for the declarations as to Hamilton, which appear in Mr. Jefferson's writings.

The reproach which Mr. Jefferson, again and again, casts upon Hamilton is, that he was a monarchist, and devoted to the British interest. At the distance of more than thirty years from the time in which the scenes, which he discloses, occurred, and more than twenty years after Hamilton was dead, Mr. Jefferson intended the publication of the casual confidential remarks of Hamilton, with such coloring, probably, as may have best suited his purpose. The point on which Mr. Jefferson seems to have founded Hamilton's political turpitude, was the proposal, and the support, of the "funding system," and the bank. This appears to have

been considered by Mr. Jefferson, as a corrupt design to assimilate the government of the United States to that of England, and gradually to introduce the political system of that country. The following are some of the many similar passages which are found in Mr. Jefferson's books, as published since his decease:

Vol. iv. p. 450. "Hamilton was not only a monarchist, but for a monarchy bottomed on corruption."

Same page. While Washington was absent, Jefferson invited the members of the cabinet and Mr. Adams to dine with him, to consult on Genet's movements. After dinner Mr. Adams said, "Purge the (British) constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton said, "Purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government. As it stands, at present, with all its supposed defects, it is the most perfect government that ever existed." Mr. Jefferson adds, "Hamilton was, indeed, a singular character. Of acute understanding, disinterested, honest and honorable in all private transactions, amiable in society, and duly valuing virtue in private life; yet so bewitched and perverted by the British example, as to be under thorough conviction, that corruption was essential to the government of a nation."

Page 474. "Mr. Butler *tells me*, that he dined *last winter* in company with Hamilton and others. Hamilton declared openly, that there was no stability, no security, in any kind of government but a monarchy."

Page 503. December 27, 1797. "Tench Coxe *tells me*, that a little before Hamilton went out of office," (nearly three years before,) Hamilton said, "For my part I avow myself a monarchist; I have no objection to a trial being made of this thing called a republic, but, &c."

There are many similar records of Hamilton, in this volume. This gentleman may have entertained speculative opinions on government. He may have supposed, that his own countrymen

would not be able to carry on a republic. He may have believed if he had lived to the present day, that he was actually a subject of something like despotic rule, with the apparent approbation of a majority of the people. Under what circumstances, and with what qualifications, these opinions were uttered, Mr. Jefferson does not make known, nor does it appear to have been material to his purpose to have known.

There are, in this volume, numerous remarks concerning Mr. Adams, apparently intended to make his fame odious to posterity. These remarks were preserved for publication, notwithstanding the renewed friendship with Mr. Adams. Some of them are these: December 26, 1797, (vol. iv. p. 503,) "Langdon *tells me*, that Adams," (in allusion to votes given for Clinton in opposition to Adams,) "gritting his teeth, said, Damn 'em, damn 'em, damn 'em, you see that elective government will not do."

Page 451. "Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission in England, had made him believe their fascination to be a necessary ingredient in government. His book on the American constitutions, had made known his political bias. He was taken up by the monarchical federalists in his absence, and on his return to the United States, he was by them made to believe, that the general disposition of our citizens was favorable to monarchy."

It is difficult to reconcile this course of remark, with any sound moral or social principle, which well-informed gentlemen recognize. It is very possible that Mr. Adams may have entertained the abstract opinion, that the government of Great Britain, with some modifications, may be the best of which mankind are capable. But this is a very different affair from assuming, that Mr. Adams thought such a government should be attempted in this country. Let it even be supposed, as Mr. Jefferson would have it, that Mr. Adams thought that government the best for this country, what motive could Mr. Jefferson have had, twenty-five years after Mr. Adams had retired from public life, and had manifested, in various ways, a decided attachment to republican government,

and after the *affectionate friendship* between these two men had been cemented by a correspondence of the most confidential character, that these sayings (if they were ever said) should be treasured up, and given to the world? One cannot but ask, how Mr. Adams would have regarded this? And as he was gone, and could not have suspected that his *friend* intended any such reproach to his memory, then those who now consider these things may ask, was this doing as one would be done by? Or, is this the conduct of a man of honor; of a real gentleman?

There is another circumstance which Mr. Jefferson's writings bring into prominent notice, and which goes far to settle his true character. Washington had selected Mr. Jefferson for one of his most confidential advisers, and under circumstances which ought to have decided Mr. Jefferson to adopt one of two courses; first, to reject the confidence; or, secondly, to accept it, and to use it agreeably to Washington's implied expectation. Now there was a translating clerk in Mr. Jefferson's office, by the name of Freneau; who was also the publisher of the National Gazette. This paper was issued continually, for the principal purpose of bringing Washington's administration into contempt. It denied to him personally, both capacity and integrity. Freneau not only so published, but it was his practice daily to send three copies of his paper to Washington. This became intolerable, and Washington could not forbear to speak to his cabinet counsellor, on this highly unjust and abusive conduct of his own clerk; and requested his interference, as a member of the administration, to rebuke Freneau. Considering the relation in which Jefferson stood to Washington, and the fact of Freneau's dependence on the former, what would have been the course of a fair dealing, conscientious person? Mr. Jefferson, more than thirty years after this time, and in contemplation of his own decease, and in preparing the materials for pages to be read after he was gone, tells what his course was. He says, (vol. iv. p. 491,) that Washington, at a cabinet council, remarked, "That rascal, Freneau, sent him three of his papers every day, as if he thought he (Washington) would become

the distributer of his papers; that he could see in this nothing but an impudent design to insult him; he ended in this high tone." Again at a meeting, May 23, 1793, (vol. iv. p. 485,) speaking of Washington, Mr. Jefferson says, "He adverted to a piece in Freneau's paper of yesterday; he said he despised all their attacks on him personally, but that there had never been an act of the government, not meaning in the executive line only, but in any line, which that paper had not abused. He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our constitution, which was galloping fast into monarchy, and has been checked, by no one means so powerfully as by that paper. It is well and universally known, that it has been that paper, which has checked the career of the monocrats; and the President, not sensible of the designs of the party, has not with his usual good sense and *sang froid*, looked on the efforts and effects of this free press, and seen, that though some bad things have passed through it to the public, yet the good have preponderated immensely."

Mr. Jefferson could elect to retain Freneau, and to patronize his paper, and to approve of his abuse of Washington; but that he could retain his place, and daily appear before Washington, and affect to be well-disposed towards him and his administration, cannot be reconciled with the feelings and sentiments of any honorable man. Why such a man as Washington, kept such a man, as he knew Jefferson to be, near him and in his counsels, can be accounted for only on the supposition, that Washington desired to sacrifice his own feelings, to what he may have considered to be the public good. Mr. Jefferson takes great pains to show, that Washington was exceedingly reluctant to have him retire, and kept him in office, against his own will, throughout the year 1793. This is very possible. There may have been good reasons for desiring to retain Mr. Jefferson, in the probable relation of the United States to France. We have Mr. Jefferson's version of the

matter. A contradictory one could come only from Washington himself. He knew that would never come; for Washington is not supposed to have kept memoranda of his confidential intercourse for public inspection, nor, probably, even for his own.

Mr. Jefferson is as little merciful to Washington, as to other men of whom he records his opinions. In page 467, vol. iv., he remarks on Washington, who was then in his sixty-first year, that he was sensible of the decay of his hearing, of which no one is supposed to have heard but Mr. Jefferson.

In page 455, (29th February, 1792,) when Washington was only sixty years old, Mr. Jefferson relates a conversation on Washington's retirement from office, in which the latter is reported to have said, "that he really felt himself growing old; his bodily health less firm, his memory, *always bad*, becoming worse, and perhaps the other faculties of his mind showing a decay to others, of which he was not sensible himself, and that this apprehension particularly oppressed him." It may be that Washington selected Mr. Jefferson for this delicate and confidential communication. It is very unlike the supposed reserve and habitual dignity of Washington; and not reconcilable with his performance of the duties of his second term; nor with his acceptance of the command of the army, six years afterwards. One is at a loss even to conjecture the motive for making this record, if it was not to depreciate Washington, which is obviously the motive in the following quotation:

Page 512, "Rush" (Dr. Rush of Philadelphia) "observes, he never did say a word on the subject, in any of his public papers, except in his valedictory letter to the governors of the states, when he resigned his commission in the army, wherein he speaks of 'the benign influence of the Christian religion.'"

"I know that Gouverneur Morris, who pretended to be in his secrets, and believed himself to be so, has often told me, that General Washington believed no more of that system than he did himself." That is, Morris admitted himself to be an infidel, and also *knew* that Washington was an infidel!

In the same manner, Mr. Jefferson appears to have treasured up all the opinions imputed to George Cabot, Samuel Dexter, Christopher Gore, Robert G. Harper, Rufus King, John Jay, Harrison G. Otis, Timothy Pickering, John Lowell, and many other eminent men, for the apparent purpose of proving to posterity, that they were enemies of the institutions of their own country, and leagued together to introduce a monarchy. It is to be remembered that the recorded sayings and opinions came through two or more mouths, and that the principal informant was a man of whom Mr. Jefferson himself says, "he is too credulous of what he hears."*

The fourth volume of Mr. Jefferson's works abounds with these narrations, concerning the distinguished men of our country, for purposes which cannot be otherwise understood, than as designed to make these men odious. Now Mr. Jefferson may have thought all this right, and becoming. But so many of these tales are so near akin to mere gossip, that it is surprising any gentleman could be disposed to hear them. More surprising that any gentleman should *record* them as *truths*. Lamentable, that they should have been destined to meet the eye of future generations, with the sanction of one who had held the highest offices in the gift of his countrymen.

LETTER XXXV.

June 9, 1833.

The two points on which Mr. Jefferson appears to rely most, to prove the design of establishing a monarchy, and a *corrupt* one too, are the *funding system*, and the *national bank*. He considers,

* Beckley, clerk of the House of Representatives.

whenever he mentions the former, that the object was, to create in the two branches of the legislature, "treasury votes" enough to carry all the measures of the administration; and that *these* must always be measures which ought *not to be carried.* He considers, too, that every federalist who came into either branch, must have been corrupted by the funding system or bank, although not members when either was established. This is a very comprehensive denunciation; and not worth answering at this day, if it were not to show the true character of Mr. Jefferson's credulity, or something worse.

The best refutation may be, to mention the names of the majorities in both branches, who voted to provide for the public debt. If they were the corrupt men alluded to, they were not so avaricious as may be supposed; and not so wise, as wicked, since no one was afterwards known to have changed his condition for the better, in consequence of his votes.

The funding system was finally established in July, 1790. Those who voted for it in the Senate were:

Butler, S. C.
Dalton, Mass.
Elmer, N. J.
Henry, Md.
Johnson, Conn.
Izard, S. C.
Langdon, N. H.
Morris, Penn.
Paterson, N. J.
Schuyler, N. Y.
Strong, Mass.
Walker, Va.
King, N. Y.

In the House of Representatives:

Ames, Mass.
Benson, N. Y.
Boudinot, N. J.
Burke, S. C.
Cadwalader, Penn.
Carroll, Md.
Clymer, Penn.
Fitzsimmons, Penn.
Foster, N. H.
Gale, Md.
Gerry, Mass.
Goodhue, Mass.
Grout, Mass.
Huger, S. C.
Huntington, Conn.
Laurence, N. Y.

R. B. Lee, Va.
Leonard, Mass.
Partridge, Mass.
Schureman, N. J.
Sedgwick, Mass.
Sherman, Conn.
Silvester, N. Y.
Sinnickson, N. J.
W. Smith, S. C.
Sturges, Conn.
Sumpter, S. C.
Thacher, Mass.
Trumbull, Conn.
Tucker, S. C.
Vining, Va.
Wadsworth, Conn.
White, Va.
Wynkoop, Penn.

The following are among many similar notices of the provision for the payment of the public debt, found in Mr. Jefferson's volumes. In page 446 of 4th volume: "Hamilton's financial system had then passed. It had two objects: 1st. As a puzzle to exclude popular understanding and inquiry. 2d. As a machine for the corruption of the legislature; for he avowed the opinion, that man could be governed by one of two motives only, force or interest. Force, he observed, in this country, was out of the question; and the interest, therefore, of the members, must be laid hold of, to keep the legislature in unison with the executive. And with grief and shame it must be acknowledged, that his machine was not without effect."

Almost all the members of both Houses of Congress, who voted for the "funding system," were then sufficiently distinguished to be known throughout the United States. Every one who can remember as far back as thirty years, and who was attentive to public affairs, must have been informed, (as to those in his own state, if not more extensively,) of the reputation of these men. Who among them may be selected as a corrupt speculator? Who among them may be supposed to have advocated a great political measure, perfectly reconcilable with honor, justice, and duty in itself, for the purpose of enriching himself? Mr. Jefferson was among these men, from the 22d of March, 1790, to the 31st of December, 1793. He had Beckley and Freneau, and many other skilful inquirers and faithful reporters. Who would Mr. Jefferson have selected as a corrupt monarchist, if in that space

of time he had been called on to do so? Was there nothing in the future days of these men, and in the repeated marks of confidence which were afterwards conferred where they were best known, which might have corrected Mr. Jefferson's opinions, in the long lapse of time through which he lived? No, nothing. Among the last acts of his life, he carefully prepared his charges to go down to posterity, with his certificate that they were true.

The same sort of record is made by Mr. Jefferson concerning the National Bank, which was created by the votes of nearly the same men. On the 2d of March, (vol. iv. p. 481,) Mr. Jefferson thus describes the majority of the House of Representatives: "1. Bank directors. 2. Holders of bank stock. 3. Stock-jobbers. 4. Blind devotees. 5. Ignorant persons who did not comprehend them;" (meaning Gile's resolutions, criminating Hamilton.) "6. Lazy, good-humored persons, who comprehended and acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure. The three first descriptions, making one-third of the House, and the three latter one-half of the residue."

Now, did Mr. Jefferson really believe this, his own record? or did he record that which he believed to be untrue, to answer some purpose of his own? If he really believed all that he states to be true, what must be thought of his understanding? If he knew that he was stating that which was untrue, what must be thought of his heart?

LETTER XXXVI.

JUNE 12, 1833.

THE subject of monarchy, as charged against the federalists *as a party*, is one on which Mr. Jefferson delights to dwell. The following are samples of the multitude of remarks to be found in his volumes:

In vol. iii. p. 402: "The X Y Z fever has considerably abated through the country, as I am informed, and the alien and sedition laws are working hard. For my own part, I consider those laws merely an experiment on the American mind, to see how far it will bear an avowed violation of the constitution. If this goes down, we shall immediately see another act of Congress attempted, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life."

In vol. iv. p. 183: "This government they (federalists) wished to have established here, and only accepted and held fast, at first, to the present constitution, as a stepping-stone to the final establishment of their favorite model. This party has, therefore, always clung to England, as their prototype and great auxiliary in promoting and effecting this change. A weighty minority of these leaders, considering the voluntary conversion of our government into a monarchy, as too distant, if not desperate, wish to break off from our Union its eastern fragment, as being, in fact, the hot-bed of American monarchism, with a view to the commencement of their favorite government; from whence the other states may gangrene by degrees, and the whole be thus finally brought to the desired point."

"At the head of this minority, is what is called the Essex Junto of Massachusetts. But the majority of these leaders do not aim at separation. In this they adhere to the known principles of General Hamilton, never, under any views, to break the Union. Anglomany, monarchy, and separation, then, are the principles of the Essex federalists; Anglomany and monarchy, those of the Hamiltonians; and Anglomany alone, that of the portion of *people* who call themselves federalists." (*Letter to Mr. Melish, map-maker, January* 19, 1813.)

These are only some of many similar remarks scattered through Mr. Jefferson's third and fourth volumes.

The foregoing extracts assume, that almost immediately after

the adoption of the national government, there was a party in New England, who designed to subvert that government, and dissolve the Union, or to convert that government into a monarchy. No persons are named.* It is a general denunciation of the federal party. There is no mode of meeting and refuting Mr. Jefferson, but by stating facts which cannot be denied; and if these be utterly incompatible with the supposed design, the design itself must be regarded as a mere calumny, chargeable on the perverted state of Mr. Jefferson's mind, or on his own want of integrity.

These are historical facts: The federal party labored, with all their might, to establish the national constitution. King, Gore, Strong, Lowell, Parsons, Hamilton, Jay, Pickering, Brooks, Sedgwick, and hundreds of such men who might be named, were among the most zealous advocates of the constitution. What were their motives? If they had any such purpose as Mr. Jefferson imputes to them, they could not have been the advocates of a regular system of government, which guaranteed to each and every state in the Union, the continuance of republican forms. The firm establishment of such a government made the whole of the United States one community, from which no state could withdraw but by the consent of all. The whole physical force in states adhering to the confederacy, could be arrayed against any one which was disposed to depart from it. The federal party intended that this should be so; and they did everything that men could do to effect this object. They discerned in the federal union the only security against external foes, and internal faction; and above all, security against the contentions, already becoming serious, between the states themselves. If these are unquestionable facts, how could the very men who thus labored to establish this government, have intended at the same time, or within a few years afterwards, and while it was in the most satisfactory execution

* This is the often repeated opinion of Mr. Jefferson, who says, in his Mazzei letter, "we must *break* these Lilliputian ties, with which they have bound us," &c.

under the direction of *federalists*, its dismemberment and destruction! One would think, that these men had every inducement, which can influence the human mind, to preserve the constitution, and to have it wisely administered.

If they had desired to create a monarchical system, their course would have been to keep out of the Union, to have promoted anarchy and confusion, and to have made force necessary to preserve order; and to have availed of that force to establish their dominion. They were to do this while the whole country was impoverished and distressed by the effects of the revolutionary war; and when New England had almost exhausted its strength in repelling the efforts of royalty to establish a tyrannical power. These very men, whom Mr. Jefferson charges with the design of erecting a monarchy, through the means of interior commotion, were the foremost to suppress the rebellion in Massachusetts, in 1786-7; and who were instructed by that occurrence, perhaps more than any other, in the necessity of a federal union. These are facts not to be denied; and how do they agree with Mr. Jefferson's calumnies?

As to the design of converting the national government into a monarchy, which Mr. Jefferson so often asserts, how were they to effect such a purpose? Mr. Jefferson admits, that the people of the United States everywhere, except among leading federalists, were republican. Monarchy could be erected but in one of two modes, assent or force. Mr. Jefferson does not pretend that it could be done by assent. He says it could not; and truly. The people of the United States had just effected their liberation from a monarchy. Were they, while the memory of their toils and sufferings was so fresh, to have submitted to the dominion of one of their own citizens, and have stood quiet or applauding spectators to see him crowned? Were the federalists as silly as Mr. Jefferson thought them wicked? Did not they know the state of public opinion as well as he did? If one could suppose such an absurdity as Mr. Jefferson has caused to be published, who was to be the king? Admit that everybody was ready for a monarchy,

and that the federalists had only to arrange their order of it, one had as much pretension to wear the crown as another. They must have peaceably arranged among themselves, who should be masters and who should be servants. A king would need dukes and lords to prop him up. Who were to be selected for such dignity, and who excluded? Who but Thomas Jefferson would impute to men, who certainly had some claim to common sense, and who had done all they could to establish republican liberty, the project of a peaceful arrangement of a monarchy?

Royalty by *force*, was a still more absurd project. The federalists must have had command of men and money. How were either to be obtained? The federalists had no money wherewith to maintain a military force; and the people must have submitted to military exactions to have kept any force on foot, for a single week. Mr. Jefferson presumed too much on the credulity of his countrymen, in supposing that they would believe him; or he had been spoiled in finding that his assertions had been so long received by them as truths. The more probable solution is, that Mr. Jefferson's readiness to believe what he had hoped was true, had convinced him that it was true. He somewhere says, that an often asserted falsehood, comes at length to be a truth in the mind of him who asserts it.

Mr. Jefferson did no credit to his own book learning, of which he had a great deal, in assuming, that a republic can be converted into a monarchy, in either of the modes which he imputes to the federalists. He knew, or ought to have known, that republics have never changed into monarchies, but always into despotisms. He must have known that when despotism overwhelms this country, it will come by the usurpation of men, who can delude the multitude under the guise of being *their friends*. No man that has lived in the United States in the last fifty years, has done so much as Mr. Jefferson himself, to prepare the public mind for such usurpation. All the misrule which now afflicts this country, can be fairly traced to him. He may have been far enough from any such design; but the effect is a sorrowful fact, as a large propor-

tion of the thinking men of the country see with dismay. If there be, in the present chief magistrate,* indications of a desire to exercise an absolute authority, he proposes to do it, in virtue of being the *popular* favorite. As such, his friends sustain him.

LETTER XXXVII.

JUNE 15, 1833.

THE Jeffersonian dominion began in the United States on the 4th of March, 1801. The opponents of the federal constitution had (by means well known, that is, by all manner of appeals to popular prejudice) been gaining strength. The same means persevered in, would, in another four years, have given the administration to them. The experience of the last thirty years proves, that the majority of the American people can always be ruled by their *friends*. In other words, combinations of adroit men who want office, emolument and distinction, and who consider all these to be only prizes to be gamed for, can always find the means of winning them. Those who have the principles and feelings of the founders of the government, by whatsoever name distinguished, must content themselves with *opposition* to what they conscientiously believe to be destructive of the original purposes for which the government was instituted. This they must do, or *prefer*, as Mr. Jefferson says, "the calm of despotism to the tempestuous sea of liberty," under very disagreeable masters.

When the votes were counted, it appeared that Mr. Jefferson had seventy-three, Aaron Burr seventy-three, John Adams sixty-five, C. C. Pinckney sixty-four. As the constitution then was, two persons were to be voted for, both of whom could not be

* This refers to Andrew Jackson.

resident in the state in which the vote was given. The highest number of votes, being a majority of all the votes cast, made the President; the next highest, being a like majority, made the Vice President. Jefferson and Burr having an equal number, the choice devolved on the House of Representatives. Mr. Jefferson took care to have this "procedure corrected" by a change of the constitution before another election. The House vote, on such occasions, by states. If the number of representatives from a state was seven, a majority of this number constituted the vote of the state. If the number was equal, the vote of the state might be divided; but by a regulation adopted by the House, the vote was not lost in case of division, but was counted; though for neither party. From New Hampshire there were *four;* from Massachusetts, *fourteen;* from Connecticut, *seven;* from Vermont, *two;* from Rhode Island, *two;* from New York, *ten;* from New Jersey, *five;* from Pennsylvania, *thirteen;* from Delaware, *one;* from Maryland, *eight;* from Virginia, *nineteen;* from North Carolina, *ten;* from South Carolina, *five;* from Georgia, *one;* from Kentucky, *two;* from Tennessee, *one.* Among the members spoken of, from personal observation, were Sedgwick, Thacher, Otis, Lincoln, Griswold, Dana, Goodrich, Smith, Champlin, all of New England. Jonas Platt, New York; Edward Livingston, New York; Gallatin, Pennsylvania; James A. Bayard, Delaware; Samuel Smith, Maryland; Henry Lee, Virginia; John Randolph, Virginia; Littleton W. Tazewell, Virginia; N. Macon, North Carolina; R. G. Harper, South Carolina; Thomas Pinckney, South Carolina; John Rutledge, South Carolina.

The House voted, among other regulations, to attend to no business but the election, while it was pending, and not to adjourn until an election was effected. The balloting began on Wednesday, the 11th of February, and continued until Tuesday, the 17th, at one o'clock; recurring at longer or shorter intervals. In thirty-five ballotings, the vote stood eight for Thomas Jefferson, six for Aaron Burr, and two states were divided. On the thirty-sixth ballot, Jefferson had ten states, Burr, four; and two states

gave a blank vote. The presence of every member during this extraordinary scene, which lasted seven days, was indispensable. Some of them were infirm or indisposed, and were accommodated with beds or couches; and one member was so indisposed as to be attended by his wife. The whole number present was one hundred and four; of whom a majority were federalists, though there was not a federal majority of states. The election was decided by the votes of Vermont and Maryland. Lewis R. Morris is said to have withdrawn, leaving his colleague, the famous Matthew Lyon, (who was convicted of sedition,) to vote for Vermont. Four federalists, in Maryland, are said to have given blank votes, and the other four members from that state, to have voted for Jefferson.

These seven days of balloting were days of great excitement. Mr. Adams was there as President, contemplating the approach of his political annihilation. Mr. Jefferson was there daily presiding in the Senate, in all the inquietude of success or defeat. Burr was at New York or Albany. The federalists, in the House, had a most painful and responsible duty to perform; that of choosing between two such men as Jefferson and Burr! Among the rumors of the time was this: That the federalists could, and would, prevent any election, and would permit the balloting to go on till the 4th of March, and consider both offices (President and Vice President) vacant, and leave to the President of the Senate to exercise the executive power. Another rumor was, that a law could be passed to vest in some person the executive power. It is not improbable, that, from the abhorrence which some members may have felt at seeing Mr. Jefferson in the office of President, means were *spoken* of, adapted to prevent such a national misfortune. Doubtless the federalists would have done anything, which they believed to be constitutional and dutiful to prevent it; but no such propositions are supposed to have been discussed. The Jeffersonians insisted, that the people meant Jefferson should be President, and that, if the House did not choose him, an armed force would go from the neighboring states to compel the House

to choose him; or, more probably, to choose him themselves. Mr. Jefferson says, in a letter under date of February 15 (1801), to James Monroe, while the election was pending, (vol. iii. 452,) "If they could have been permitted to pass a law for putting the government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare, one and all, openly and firmly, that the day such an act passed, the middle states would arm; and that no such usurpation, even for a single day, should be submitted to. This first shook them; and they were completely alarmed at the resource for which we declared, viz., to re-organize the government, and to amend it. The very word *convention* gives them the horrors, as in the present democratical spirit of America, they fear they should lose some of the favorite morsels of the constitution." One would have thought this a favorable time for the "monarchists" to have made an attempt to set up a king. The government would have come to a natural and easy dissolution, by refusing to elect a President, and no better chance of scrambling for royalty could ever be expected.

Mr. Jefferson says, that he was frequently asked, during this time, to promise, that he would not do certain acts which the federalists feared he would do; that is, that he would preserve certain features of federal policy. He *says* he answered, that he would not go into office with his hands tied. It must be admitted that he acted with some firmness (if the fact was so) in refusing, what proved to be for him a *crown* (as he says) "on capitulation." Among other rumors was this: Hamilton is said to have been consulted; and that he was of opinion that it was better to choose Jefferson than Burr. He seems to have had an abhorrence of Burr, and to have believed it safer to trust to Jefferson's characteristic timidity, than to Burr's insatiable ambition. It was as embarrassing a question as could be proposed to an honorable and patriotic mind, which of these two men might do the most mischief! It might have made a favorable difference to this country if Burr had been preferred, whatever Burr may have been since that day;

and certainly, all the difference of life and death to Hamilton himself.

This election of President (in February, 1801, by the House of Representatives) is sufficiently interesting to be further noticed, for two reasons; first, to present a true account of the federal party in the House, whose adversaries attributed to them very reprehensible designs and attempts; secondly, to show the true character of Mr. Jefferson's "Anas," and records. Both these objects will be accomplished by the perusal of evidence contained in the Appendix. This evidence was published in the National Gazette, (Philadelphia,) January 1, 1830, by Richard H. Bayard and James A. Bayard, sons of a gentleman of the latter name, in refutation of two of Mr. Jefferson's statements. This is an instance, in which it was deemed a duty to a deceased parent, to inquire into the *truth* of Mr. Jefferson's assertions. It will be seen, by the perusal of that evidence, that Mr. Jefferson is plainly in error. Being *proved* to be so, in this case, a strong presumption arises, that if the truth of his statements, in other cases, could be tested in like manner, they would be found to be equally erroneous.

James A. Bayard, the gentleman whom Mr. Jefferson mentions so improperly, was a descendant of the Chevalier Bayard, who died in 1524; and who is familiarly known as the man (*sans peur et sans reproche*) without fear and without reproach. In a letter written by Mr. Bayard in 1801, and which will be found in the Appendix, he says, I shall never lose sight of the motto of the great original of our name." This gentleman was an eminent lawyer in the state of Delaware. He was in both branches of Congress, and was second to no one in either branch. He was one of the envoys who made the treaty of peace at Ghent in 1814. He was a tall, well-proportioned, erect man, of light complexion, light hair, of handsome face, intelligent and manly expression, and of courteous and dignified manners. He was one, of whom it might be truly said, that nature, education, mind, heart and habit, had combined to make a gentleman. His eloquence was

lofty and commanding. He had, eminently, the first of its requisites, *sincerity*, and *certainty* that he *was right*. It was such a man, that Thomas Jefferson would declare, even from his own tomb, to be a *political knave*.

The two passages complained of by Mr. Bayard's sons are the following. The first of them will be found in vol. iv. p. 515.

"February 12, 1801. Edward Livingston *tells me*, that Bayard applied to-day, or last night, to General Smith, and represented to him the expediency of his coming over to the states who vote for Burr; that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas, who confirms it to me. Bayard, in like manner, tempted Livingston, not by offering any particular office, but by representing to him his, Livingston's, intimacy and connection with Burr; that from him he had everything to expect, if he would come over to him. To Dr. Linn, of New Jersey, they have offered the government of New Jersey. See a paragraph in Martin's Baltimore paper, of February 10, signed 'A Looker-on,' stating an intimacy between Harper and Burr."

Mr. Jefferson begins in page 520 of the 4th volume, under date of April 15, 1806, the record of an interview with Burr, which occurred, he says, about a month before, in which Burr (then Ex-Vice President) appears to have intimated that an office would be agreeable to him. Mr. Jefferson says that he said to Burr, "that if we believed a few newspapers, it might be supposed he had lost public confidence, but that *I knew how easy it was to engage newspapers in anything*." "That as to any harm he could do me, I knew no cause why he should desire it; but at the same time I feared no injury which any man could do me; that I had never done a single act, or been concerned in any transaction, *which I feared to have fully laid open, or which could do me any hurt, if truly stated*." He then adds, (same page,) "I did not *commit these things to writing* at the time, but I do it now, be-

cause in a suit between him (Burr) and Cheetham, he has had a deposition of Mr. Bayard taken, which has no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me, during the pending of the presidential election, in February, 1801, through General Samuel Smith, certain conditions on which my election might be obtained; and that General Smith, after conversing with me, gave answers for me. *This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me; and this fact General Smith affirms at this moment.*"

Now, so it is, that Mr. Bayard was one of the six persons in the House of Representatives, on whom the election of Mr. Jefferson depended; either of whom could have decided the election; and that Bayard had less repugnance to the election of Mr. Jefferson than to that of Mr. Burr; and that he could, at any balloting, have settled the question by his vote; and was resolved that there should be an election. It also happens, that on the same day when Mr. Jefferson made his record, General Smith, a personal and political friend of Mr. Jefferson, was engaged in giving his deposition in a case, in which he declares, that he undertook, being a resident in the same house with Mr. Jefferson, to inquire into his policy concerning commerce, the navy, and the funding system; that he did inquire of Mr. Jefferson, and did report his answers; and that the election was thereupon made. He and Mr. Bayard both testify, that no proposition was made to either of them, nor by either of them, to promote Burr's election. Mr. Bayard says, that at this time he had no personal acquaintance with Burr; and that he knew not of any effort made by Burr, to promote his own election; that no means to that end were taken among the members, but argument and persuasion, founded on the belief, that it would be less disastrous to the country to elect Burr than to elect Jefferson. It is furthermore a *fact*, that General Smith on the floor of the Senate denied, that Mr. Jefferson had *recorded* TRUTHS; and another *fact* that Mr. Livingston stated,

also, on the floor of the Senate, that he remembered no such TRUTHS, as Mr. Jefferson had *recorded* concerning himself.*

If Mr. Jefferson could *so* write, on facts which must have been within his own knowledge, and adapted to be strongly impressed on his memory, it casts a deep shade over his "tells me" assertions, and over his *hearsay* records, received from persons, who had, probably, learned how to gratify his sense of hearing.†

LETTER XXXVIII.

JUNE 23, 1833.

THE election of Mr. Jefferson was regarded with strongly contrasted feelings, by the two great parties of the United States. He had not been a prominent object of attention, while in retirement, between his resignation of the office of Secretary, and his Vice Presidency. While in the latter office, he was only a presiding officer, and had no call to express his opinions publicly. As soon as it was ascertained that he, or Burr, must be the President, it became highly interesting, to both parties, to investigate his character, and his political propensities. He was portrayed according to the perceptions of the two parties, and presented in striking colors.

* See Appendix.

† The evidence collected by the sons of Mr. Bayard to vindicate the honorable fame of their father, against the calumnies of Mr. Jefferson, consists of two depositions given by Mr. Bayard, in cases of libel which arose out of the election of February, 1801; and of a deposition of Samuel Smith, in one of those cases;—also of letters from members of Congress, who were present at that election. This evidence is accompanied by some very becoming commentaries from Mr. Bayard's sons, and was made public January 1, 1830, through the National Gazette, (Philadelphia,) in consequence of Colonel Hayne's (South Carolina) having introduced Mr. Jefferson's record of *facts*, in a debate in the Senate. This evidence is historically important.

By the one party, he was represented as the early advocate of religious freedom, and of the rights of man; the great apostle of liberty; the friend of our excellent ally, France; the determined foe of British influence; the reformer of constitutional errors; a sage, a philosopher, a true patriot, and genuine republican.

By the other,—as a man destitute of the commonly received moral principles; and one who entertained no respect for the acknowledged foundation of all moral principle; the devoted admirer, and blind apologist of one foreign nation, and the uncompromising enemy of another; nor less an enemy to the men who had conducted the government for the first twelve years, and to all their measures; nor only so, he was declared to be hostile to the constitution itself, and would exercise the powers which it vested in him, to gratify one portion of his fellow citizens, and humble the other; that he would not be the dignified head of a great republic, but an intolerant party chieftain; that his learning had been used to break down and remove, rather than to uphold and preserve, the landmarks by which the virtuous and intelligent had, for ages, bounded social welfare.

How far from the truth these parties respectively were, it is certainly of some importance to know. How near that posterity, to which Mr. Jefferson appeals, will come to the truth, cannot be foreseen. It is probable that the obscurity which time throws over motives and acts, and the generalization which is all that the limits of common history permits, will prevent a true estimate of Mr. Jefferson's merits and faults, among those of future days. Time will also diminish the interest which will be felt in this gentleman's real character, and he will, probably, be known only as one who held the first station in his country; and that certain prominent events occurred in his time; but *why* did they occur, will interest very few.

This is not so with those who are now living. Mr. Jefferson has made it highly interesting to them to know his true character, and the meaning and consequences of his policy. If it be true, as many suppose it to be, that he was the original cause of the

dangerous theories and practice, which now threaten to destroy the security and happiness of the American people: if he was the author of that perversion of our institutions, intended for common welfare of the whole, to the exclusive use and benefit of a few; if he was the creator of that destroyer of all republics, PARTY, the well known precursor of despotism; if his political acts and his private writings, now given to the world with the sanction of his own name, prove, that all or any of these suppositions may be true,—surely, all of the present day are interested to inquire, and to decide.

Taking his public messages, and other official documents, as the true index of his purposes as a public officer; and then taking the contents of his own volumes, as the true interpreter of his true meaning in all things, which he did as an officer, as a citizen, and as a man, we may arrive at *demonstration.*

It will, on such authority, appear, that from the 22d of March, 1790, to the 4th of March, 1801, Mr. Jefferson had three great purposes always in view, and that he spared no exertion to accomplish them: 1. The aggrandizement of France. 2. The destruction of England. 3. The demolition of federalists, as a party; and the *expatriation* of the citizens who were of that party.

It will also appear, that the means taken to accomplish his objects, would be considered, *in any other man,* to be subversive of the honor and independence of his own country; a perversion of its institutions; unjust in motive; oppressive and demoralizing in effect. But Mr. Jefferson is singularly privileged from all imputations of base or unworthy motives, in any case. He has undertaken to be responsible for his own honesty. If it must be admitted that he was honest, that is, that he really saw himself, his fellow-citizens, his country, and its institutions, as he represents himself to have seen them, he has proved his honesty at the expense of respect for his intelligence, and of esteem for his heart. If it were any other man, one might venture to say, that he thought anything right, which he thought expedient; and that

anything was expedient, as to object and means, which would accomplish his own ends.

When Mr. Jefferson became President, the people had deliberately established a national form of government, as accurately defined as could be done by human wisdom. It had received a practical construction during twelve years, by very able men, and whom history will honor as wise, virtuous and patriotic. Fallible they may have been, and may have erred under high party excitements, and in opposing those whom they regarded as dangerous partisans, whether these were deluded, or dishonest.

The Jeffersonian party of the last thirty years, have never amended the system which the first twelve years established. They have often departed from it, and perverted it; but in their pressing necessities have always returned to it, and relied upon it. That system contemplated and provided for the national security and independence, by a sound credit, by reasonable means of defence, by honorable and prudent policy as to all other nations. At home, it meant to secure, and did secure, tranquillity, the reasonable protection of domestic industry, gradual internal improvement, a sound currency, and unrestrained exercise of every power to acquire and enjoy, so far as the policy, rightfully adopted by foreign nations, would allow. This system left to state sovereignty its legitimate sphere of action uncontrolled. As the guardian and protector of all these rights, privileges and enjoyments, it provided a learned and independent judiciary, capable of restraining the plain excess of legislative and executive action in national affairs; and of state sovereignty, whenever this should happen to exercise power, which the people had clearly vested in the sovereignty of the nation.

At the time when Mr. Jefferson came in, the United States were prosperous under that system. The relations with all foreign nations (except two on the coast of Barbary) were pacific; and with most of them, friendly. The public debt was insignificant, compared with national means. At home, excepting the factious temper, (which Mr. Jefferson had done much to encou-

rage,) all was well; and never had any man a fairer opportunity to secure to himself an honorable fame, and to transmit his memory to distant days as one of the worthiest of rulers our country had known. There was reason to expect that the party who had hoped nothing, but had feared everything from him, might have been unjustifiably prejudiced.

LETTER XXXIX.

June 27, 1833.

In his inaugural speech, Mr. Jefferson soothed the serious apprehensions which were entertained, as to the manner in which he might exercise executive power. "Let us reflect," says he, "that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance an intolerence as despotic, as wicked, and capable of as bitter and bloody persecutions." "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principles. *We are all republicans, all federalists.*" "If there be any among us, who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated, when reason is left free to combat it." From these declarations there was good reason to hope, that Mr. Jefferson intended to be the President of the United States, and not the chief of an intolerant and vindictive party. Afflicted as the federalists may have been at seeing the executive power pass into his hands, they would have cheerfully sustained him in the exercise of it, if that exercise of power had been even in conformity with his own declarations. On the contrary, Mr. Jefferson did all he could to subvert every

measure which the federal party had adopted, and to obliterate every trace of their administration.

Whatever may be thought of the personal deportment of the two first Presidents, as essential to the maintenance and dignity of their stations, and to secure themselves from interruptions, and from the loss of time necessary in the discharge of public duties, it could not be agreeable to the nation, to see the abolition of all official dignity. This it was Mr. Jefferson's pleasure to do. He had no appropriate hours for visiting. He was accessible by any one, almost at any hour, and descended, at once, to the lowest level. To this example may be traced the scenes which are noticed at this day in the abode of the President, and which mortify our own community, and furnish a subject of ridicule to European travellers.

The first contrast between Mr. Jefferson's inaugural declarations and his intended acts occurred early in 1801. Elizur Goodrich had been appointed collector of New Haven by Mr. Adams. In June he was removed, without any suggestion of incompetency, as to talents or integrity, and a partisan, by the name of Samuel Bishop, was appointed. This drew from the merchants and most respectable men of that city a calm remonstrance, in which they assert Goodrich's promptness, integrity and ability; and add, that these were qualities not to be found in Bishop. They also assert, that Bishop was nearly seventy-eight years of age, and so infirm as scarcely to be able to write his own name; that he was unacquainted with revenue laws, or mercantile business, or even with the most simple forms of accounting. To this remonstrance Mr. Jefferson made an answer, on the 12th of July, in which he says, among other things: "Declarations by myself in favor of political tolerance, exhortations to harmony and affection in social intercourse, and respect for the equal rights of the minority have, on certain occasions, been quoted and misconstrued into assurances, that the tenure of offices was not to be disturbed. *But could candor apply such a construction?*"

It was thus manifested what Mr. Jefferson's construction of

assurances would be, and what his acts would be, throughout his administration.

In the memorable debate which arose on Mr. Jefferson's proposal to abolish the Courts, (House of Rep., Feb. 1802,) Mr. Giles's speech disclosed the hostility which the Jeffersonians entertained towards all federal measures from the first institution of the government. Mr. Bayard, in his masterly reply to Mr. Giles, states what the executive policy had already shown itself to be in dismissing worthy officers, and in appointing mere partisans. Mr. B. said: "If the eyes of the gentleman are delighted with victims, —if objects of misery are grateful to his feelings,—let me turn his view from the walks of the Judges to the track of the present executive. It is in this path that we see the real victims of stern, uncharitable, unrelenting power. It is here we see the soldier who fought the battles of the revolution, who spilt his blood, and devoted his strength to establish the independence of his country, deprived of the reward of his services, and left to pine in penury and wretchedness. It is along this path that you may see helpless children crying for bread, and gray hairs sinking in sorrow to the grave! It is here, that no innocence, no merit, no truth, no services can save the unhappy sectary, who does not believe in the creed of those in power."

That which the people of the United States ought to regard with abhorrence, in a *President*, is the implied invitation given by Mr. Jefferson to all political adversaries, to abandon their creeds and adopt his own; and the clearly implied promise of *reward* for apostacy. This was a well-known mode of strengthening party, long before there were white Americans. Mr. Jefferson has the *distinction* of having introduced it into our republic. He carried it to its full extent, officially and privately. In no nation, no, not even in Rome, in its most corrupt days, has this demoralizing seduction been more effective than in our own land, since Mr. Jefferson became President.

Opinions, long entertained, as to men and measures, and as to creeds in religion, are sometimes honestly and honorably aban-

doned, and opposite ones adopted. But a change cannot be honest or honorable, where there is no new fact, nor any reason for viewing facts, before admitted, in any new light. Surely no change can be so, where the sudden convert realizes benefits, not to be had without apostacy.

The distinction between parties was so marked in Mr. Jefferson's time, that there could be no half-way change. The convert could do nothing short of what is done by a deserter from an army. Those who went over to Jeffersonism had the only merit of being *ashamed* of their desertion. To cover this, and to prove their sincerity, they resorted to the bitterest condemnation of their former principles and associates. The most malignant libellers of federal men and of federal measures, were those who had been federalists themselves. Sustained by the salaries of office, and raised by titles above those they had deserted, they could clearly see how base, plotting, and traitorous some of their fellow-citizens were, with whom, but yesterday, they were proud to rank, and most zealous to uphold as worthy patriots. Trace such men through to the end, and how has it fared with them? By adroit and timely desertions they may have found, for a while, office and emolument. But, how is it with them, when they come to the searching question, *what do my fellow-men think of me?* A Cæsar, an Augustus, a Napoleon cannot evade this question. The long list of dishonest deserters, which could be furnished, would show that few, in the revolutionary action of party, secured the good they sought; and that all of them planted a thorn in conscience, which never withers, nor ceases to prick. This was one of the practical uses of Mr. Jefferson's "exhortation to harmony and affection in social intercourse."

There were instances of departure from the federal side, distinguishable from such as have been mentioned, and which did not deserve reproach. There were timid men, who did not entirely approve of federal views of the national policy; others, who thought themselves not to have been sufficiently valued and respected by their federal associates; and some, who were by nature

and inclination Jeffersonians, and who originally mistook their side, and very properly went over where they belonged. When one leaves the true line, circumstances force him further and further from it, and he must go over to the adversary finally, as there is no intermediate tenure. But in all cases of such change of opinion, there seems to have been a feeling, not unlike that in political changes of the present day. One, who goes over from the opposition to the Jackson ranks, feels that he has a defence to make; while one who abandons Jacksonism holds his head up, and feels that he has done an act for which he may respect himself. Thus in politics, as in morals, there is a sense of right and wrong, which men are alive to, whether they admit its influence or not. There are few Jackson men in the United States, (who can pretend to good sense and sound principle,) who do not feel a degree of shame that they are such.

It is the disease of republics, that they give life and action to craving, knavish pretenders to integrity and patriotism. They are the humble servants of any power that has anything to bestow. They are incompetent to gain their daily bread in any of the industrious orders of social life; and must, therefore, be where they can catch the droppings of the treasury. Political *chevaliers d'industrie*, they are ready to profess and to do anything that promises gain and power. But, such patriots must keep careful reckonings, and make accurate observations. They change their course once too soon or too late, and blunder; and then all eyes are turned to the course which they have run. The wreck that follows has no one's sympathy or compassion. They learn, too late, that honesty is the best policy, no less in political, than in common affairs. There is rarely a *Talleyrand* among them. There is one hope for such men; that is—if the republic can be converted into despotism, while they happen to be in favor, they may acquire a stability of position in supporting a tyranny, which will support them.

Mr. Jefferson's followers have already made some improvements on his theories. They have advanced now to the point, that the

President, no, *the man*, who has been imposed upon the nation to hold that office, is "The Government." The laws, Congress, the judiciary, the constitution, are all nothing; *the* MAN is everything. How far are we from a political Augustan age?

From the 4th of March, 1801, to the 7th of December, when Congress met, Mr. Jefferson had ample time to consider and determine, in what manner he would carry his *will* into effect, so far as legislative aid was thereto indispensable. He lost no time in disclosing, though with his accustomed plausibility, that all the fears which his opponents had entertained as to his policy, foreign and domestic, were to become realities; and that all his dreaded purposes were to be enforced, in the full vigor of official power.

It was common, thirty years ago, to charge Mr. Jefferson with deliberate wickedness in his office; and to consider him as intending to disregard all the obligations which honorable, moral men acknowledge. This was, probably, an injustice. It is more reasonable to suppose, that he had either a singular obliquity of perception, as to right and wrong, both as a man and as an officer; or that he had undergone some strange perversion from that rank of moral agents, to which he was by nature destined. His adversaries made no such apologies for him. They believed that he did wrong, knowing that it was wrong, and because he meant to do wrong. Accordingly they portrayed him in the public prints, at full length. Some of his friends had the indiscretion to introduce some of the sketches to the notice of the House of Representatives in Massachusetts, at the session in January, 1805. The newspaper, in which the commentaries alluded to appeared, was published by the printers of the House. The object of the motion was to have the printers dismissed. It did not succeed. If these delineations of Mr. Jefferson were to go down as authentic proofs of the character of the man, he would fare but indifferently with that cool judgment of posterity, to which he confidently appeals. It is not intended to revive these personal criminations. Whether the assertions so made, were mere calumnies, or truths, modified as they may have been,

is immaterial to the present American public. His official conduct is most material, not only to the community of this day, but, it is to be feared, that it may be so to every community, which is hereafter to arise in our country.

LETTER XL.

JUNE 30, 1833.

MR. JEFFERSON'S opinions on the *Judiciary* were among the most mischievous of any which he entertained. He had a rooted dislike to courts; particularly to those which were established at the recommendation of his friend, John Adams, as barriers against such encroachments as Mr. Jefferson was supposed to intend. These courts were not only constitutionally *independent*, but the judges, who had been placed therein, were nearly all *federalists*.

If there be anything, which is capable of sustaining popular governments, and keeping their action within legitimate constitutional boundaries, it is a learned, self-respecting, independent judiciary. To make the administration of justice, and all questions on the excess of power, dependent on popular excitement, is to assume, that mere human passion is the best arbiter of right and wrong. On this subject, Mr. Jefferson entertained and disseminated the most exceptionable doctrines. This seems to have been his theory: *The people are the sovereign; whatsoever they will is the law; they choose me to declare their will. My will is the law; because the people's will can be no otherwise disclosed than by expressing my own.* He seems to have been incapable of conceiving, that the people established judicial courts to control all of their own number, who should violate their own laws; and to control their own legislators, if they exceeded the limits of authority which the people had assigned to them by the constitution.

Much less could he conceive that courts could bind him to do, or could prevent his doing, whatsoever he thought right. This was not turpitude in him, but inability to distinguish between right and wrong, as to the exercise of judicial power.

Whether this view of Mr. Jefferson is a correct one or not, may be judged of by the following extracts from his volumes. How many much stronger expressions may have been found therein, if his editor had thought fit to publish all of them, can only be conjectured.

"The principal of them (federal leaders) have retreated into the judiciary, as a stronghold, the tenure of which renders it difficult to dislodge them." (*Letter to Joel Barlow, March* 14, 1801, vol. iii. p. 458.)

"The courts being so decidedly *federal*, and irremovable, it is believed that republican attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a *shield* to the republican part of our fellow-citizens, which, I believe, is the main body of the people." (*Letter to W. B. Giles, March* 23, 1801, vol. iii. p. 464.)

The celebrated Luther Martin was counsel for Burr. Mr. Jefferson frequently wrote to George Hay, conductor of the prosecution, during the trial. In a letter (June 19, 1807, vol. iv. p. 87), he says: "Shall *we* move to commit Luther Martin, as *particeps criminis* with Burr? Graybell will fix upon him misprision of treason at least; and, at any rate, his evidence will put down this unprincipled and impudent *federal bull-dog*, and add another proof, that the most clamorous defenders of Burr are all his accomplices."

This is a picture of Thomas Jefferson, drawn by himself, and presented to the world by one of his own family! Observe, that it is the chief executive officer of the United States, interposing in a judicial trial, to deprive the accused of counsel, who had no more to do with the crimes charged upon Burr than Jefferson had.

"The judiciary of the United States is the subtle corps of sappers and miners, constantly working under ground, to undermine

the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government, to a general and supreme one. This will lay all things at their feet; and they are too well versed in *English* law, to forget the maxim, *boni judicis est ampliare jurisdictionem.* We shall see if they are bold enough to make the stride their five lawyers have lately taken. If they do, then with the editor of our book, in his address to the public, I will say, 'that against this every man should raise his voice;' and more, should lift his arm."* (*Letter to T. Ritchie, December*, 1820, vol. iv. p. 336.)

In 1816, Mr. Jefferson appears to have been asked for an opinion, in a contemplated amendment of the Virginia constitution. He says, (vol. iv. p. 288,) "It has been thought the people are not competent electors of judges learned in the law, but I do not know that this is true; and if *doubtful*, we should follow the principle. In this, as in many other elections, they would be guided by reputation, which would not err oftener, perhaps, than the present mode of appointment." In page 289, he sums up his theories: "1. General suffrage. 2. Equal representation in the legislature. 3. An executive chosen by the people. 4. *Judges elective* or *amovable.* 5. Justices, jurors and sheriffs elective."

These were opinions on the judiciary, not to be wondered at in a man, who thought a rebellion, once in twenty years, a useful political occurrence. Such, however, were his opinions, after an experience in political life, prolonged through half a century. It has already been noticed, that when he had come into office, he assumed to pronounce laws, constitutionally enacted, and which had been pronounced by the highest judicial tribunal to be laws, absolutely *void*, because they had not his approbation. Mr. Jefferson was as much bound by laws which he disliked, as by any other laws, which he had sworn to execute. Thus, it was his opinion, that an act of the two branches of Congress, approved

* It is not recollected what Mr. Jefferson here refers to; either as to "five lawyers" or as to "our book."

by the President, and decided by the Supreme Court to be constitutional, could be defeated by *one* man who happened to be raised to the executive power.

LETTER XLI.

July 7, 1833.

When Congress met in December, 1801, Mr. Jefferson's *message*, (for he chose to depart from the federal practice of going to meet Congress and making a *speech*, and because a speech may be *answered*, and a message cannot,) suggested a revision of all federal measures, and an abrogation of them, so far as they were within congressional reach. This was done in his own plausible manner. He had a subservient Congress, who needed only to know what he thought was right, to think it so themselves. He suggested the repeal of taxes, the reduction of the diplomatic corps, the hauling up of the navy, the abolition of offices, and revision of the judiciary system. The last suggestion was intended to get at John Adams' "midnight judges" in their "stronghold." He says, in his message, that he had sent into every state to inquire into the whole number of causes tried since the institution of the national government, and should submit the result of his inquiries; as though the *number of suits* was the measure of utility and necessity of the existing organization. In this session a bill was introduced to repeal the recent law re-organizing the courts.

While this bill was under discussion, the highly respectable professional gentlemen of Philadelphia sent a memorial to Congress, in which they disclaimed all interference of a political nature, but begged leave to state facts within their own experience. Among other things they said: "That under the former law the

greatest inconveniences were experienced by the court, the bar and the suitors. That the judges were constantly engaged in traversing the states, with little opportunity for reflection or repose. Judges presided in states, the laws, usages, and practices of which were essentially different from those in which they were educated; and without adverting to the casualties of indisposition and weather, the inevitable consequences of the late system were embarrassment, uncertainty and delay." These gentlemen then go on to pronounce the highest eulogium on the new judges in their own circuit; the increased confidence in this tribunal, &c., "promises to render the court an honor and a benefit to the nation." They conclude by declaring that "the abolition of the court will probably be attended with great public inconvenience." This memorial was signed by thirty-seven persons, the first in age and eminence; and among others by Joseph B. M'Kean and A. J. Dallas, well known as two devoted friends of Mr. Jefferson.

In the debate on this bill, the two great champions were James A. Bayard and William B. Giles. The former maintained with eminent ability, that Congress had not the power to deprive the judges of their stations by the indirect course of repealing the law under which they were appointed. But the day of Jeffersonian dominion had come. The question of constitutionality and of expediency was insignificant, when opposed to the President's pleasure. The courts were abolished, and Mr. Jefferson had the gratification of signing a law, which expelled the federal judges from their "stronghold," and of seeing them all reduced to the rank of private citizens. The real evil in this matter is, that an example was thus given of the facility with which the judiciary may be subjected to the will of a party; this was in perfect accordance with Mr. Jefferson's notions of propriety. Some praise is due to Mr. Jefferson for not having demolished the *Supreme Court* as well as the Circuit Courts, that he might have routed Chief Justice Marshall, as to whom his volumes contain no equivocal opinion. This he might have done as legally as that which was done.

It cannot be too often brought to view, that the excellence of our government, in comparison with any ever before known, is that, while popular and elective, it has a power intended to control other branches, when they transcend their powers. Demolish this branch, and the union of the two others would make a more terrible despotism than any one man can exercise, because it would be despotism with all the force of law. We have already seen a near approach to this, as we shall have occasion to notice in considering the embargo laws. It is true that the sovereign people may arrest such a combination by the right of election. But such combination arises from perversion of public opinion, and holds its supremacy by relying on that perversion. In such case, the slow, though sure process of the judiciary is the only remedy. Is it not surprising, that a vigilant and jealous community should not so understand the meaning of its own deliberately adopted constitution? Ought we not rather to wonder that our nation has preserved its republican forms so long, when such a man as Mr. Jefferson, construing the constitution as he did, was so long the popular idol? The power of party is fearfully illustrated by the fact, that there are so many men in this country, and in high stations too, who cannot be ignorant of the destructive tendency of Mr. Jefferson's doctrines, who nevertheless quote them as authorities.

Mr. Jefferson may not have intended to abolish the Supreme Court; he does not appear to have attempted it. It is not known, from his volumes, that he took any part in the effort to remove the judges of that court. In the memorable trial, presently to be mentioned, it is not apparent from anything published, that he therein interested himself, excepting that he somewhere remarks, "the farce of impeachment will not be tried again." But as Judge Chase was impeached for his conduct in trying a citizen for the breach of a law, of which Mr. Jefferson had recommended a repeal; and for his conduct in trying James Thompson Callender, (that man of science whom Mr. Jefferson befriended,) for the breach of a law which Mr. Jefferson *adjudged* to be unconstitu-

tional and void, it is probable that the prosecution of Judge Chase had, at least, his entire approbation. If this magistrate could have been sacrificed, there would have been little difficulty in removing other obnoxious judges. Their seats would have been filled by men, who would have had an eye to executive pleasure, however they might have seemed to the people. This would have been better suited to Mr. Jefferson's purpose, than an abolition of the court, which he cannot be supposed to have desired.

The trial of Judge Chase is one of the most remarkable events in the history of our country, whether considered in relation to the accused, to the character of the accusation, the members of the court before which the trial was had, or the motives and labors of those who conducted the defence; remarkable, indeed, that the person who presided at the trial (Burr) was then under indictment for murder, and was two years afterwards prosecuted by Mr. Jefferson, and arraigned and tried on the charge of treason; but not remarkable that Mr. Jefferson hoped to make out a sufficient cause for impeaching the presiding judge, at the latter trial.

Samuel Chase was born in Maryland. He was at the head of the patriot party in that state, during the revolutionary days. He was a signer of the declaration of independence. But he was a *federalist*. At the time of the trial on impeachment before the Senate, he was nearly sixty-four years old, and much impaired in bodily strength. In his full vigor, he was a man of Herculean frame and vigorous mind; a learned and honest man no doubt, but not of courteous manners on the bench.*

In preparation for the expected hostilities with France, in Mr. Adams' time, a law was passed in July, 1798, for a valuation of

* An anecdote of Judge Chase is remembered, as told by one who was present on the occasion, and which is related here, to give some idea of the manners of this gentleman in private life.

During the winter of 1795-6, a large dinner-party was given to the Judge by Mr. Bingham, at his residence in Third Street, Philadelphia, now the Mansion House. Judge Chase was placed at the right hand of his hostess. Upon taking his seat at

houses, lands and slaves; and in the same month, another act was passed, for assessing a direct tax, in conformity to such valuation. In February and March following, an insurrection occurred in the western part of Pennsylvania, to resist the execution of these laws. Among the insurgents was John Fries. This man was tried before Judge Paterson, in April following, at Philadelphia. The fact of resisting the execution of the law was clearly proved. The defence was: "to resist by force of arms a particular law of the United States, does not amount to 'levying war' against the United States, within the true meaning of the constitution, and therefore is not treason, but a riot only." Judge Paterson and Judge Peters, (district judge,) held such resistance to be *treason*. A new trial was had, not on account of erroneous opinion on the law, but because a juror had expressed, before he was sworn on the trial, an opinion unfavorable to the accused. In April, 1800, Fries was again tried. Before the trial, Judge Chase put his opinion of the law in writing; which was in conformity with that of Judge Paterson. This opinion he caused to be copied, one copy for the counsel of Fries, one for the attorney for the United States, and one was intended to be given to the jury when they retired, and to be carried out by them and used in their deliberations in finding a verdict.

the table, he adjusted his spectacles to scan the superb repast spread before him, but which, unfortunately for him, had been prepared by a French cook. Having searched in vain for some familiar dish, he turned to the lady of the house; "very pretty dinner, Madam, but there is not a thing on your table I can eat." With her habitual presence of mind and urbanity of manner, the accomplished Mrs. Bingham inquired of her guest whether she could procure anything suitable to his tastes. "A beef-steak, or a piece of roast-beef, Madam," replied the judge, "would please me better than anything else." A servant was immediately called, a word whispered in his ear, whereupon he vanished; very soon afterwards this servant reappeared, bearing with him a dish of roast-beef, which the Judge attacked with vigor and appetite, washing it down with a couple of bottles of brown-stout, in lieu of French wines. Having concluded his labors, he turned to his hostess, and with a satisfied air, exclaimed: "There, Madam, I have made a sensible, and an excellent dinner, but no thanks to your French cook!"

When Fries was brought in for trial, and before the jury were sworn, the judge informed his counsel that he had put this opinion in writing, to show what the meaning of "levying war," according to the constitution, was understood by the court to be. Mr. Lewis and Mr. Dallas, counsel for Fries, notwithstanding Judge Chase informed them, that they would be permitted to offer arguments to the court to show them that they were mistaken in the law, said, that they did not any longer consider themselves as counsel for the prisoner. The prisoner was asked, whether the court should appoint other counsel; and he declined having any. The trial proceeded without counsel, Fries having challenged thirty-four jurors. He was convicted and sentenced, and afterwards pardoned by President Adams. This transaction was one ground of impeachment.

The trial of J. T. Callender occurred in the month of May, 1800, at Richmond. The ground of impeachment, in this case, was the alleged illegal and oppressive conduct of the judge. The charges against Callender were for expressions in his "Prospect before Us," concerning John Adams, some of which have been noticed in a former page.* A minute examination would require more space than this subject is now worth. The impeachment was drawn up, in relation to this trial, with extreme particularity, and with all the bitterness of malignant party spirit.

* See page 162.

LETTER XLII.

July 10, 1833.

In January, 1804, John Randolph, jr., moved the impeachment against Judge Chase, which was carried about two to one; but it was not prosecuted until the following session, in November. On the 2d of January, 1805, Judge Chase appeared before the Senate, and the 4th of February was assigned for his trial. The Senate Chamber was fitted up in an appropriate manner, and with places for various official dignitaries. The accused appeared with Luther Martin, R. G. Harper, and Joseph Hopkinson, as his counsel. The managers, on the part of the House, were Messrs. Randolph, Rodney, Nicholson, Clark, Campbell, Boyle and Early. The pleas and answer took nearly four hours in the reading; the Judge read the introductory part, Mr. Harper then read more than an hour, Mr. Hopkinson continued the reading two hours, and the accused read the concluding part, in the most solemn and impressive manner. This able and eloquent answer was in itself a complete refutation of the criminality of the charges. The prosecution was not considered, at the time, to have been so ably as malignantly conducted, so far as party feeling was involved. But the counsel of Judge Chase did themselves the highest honor, as lawyers, as men of kind feelings, as gentlemen and as orators. Mr. Hopkinson, though then a young man, acquired for himself an exalted reputation. The two other counsel had long been of established fame. The trial lasted until the first of March, when the Judge was acquitted. The whole number of Senators was thirty-four. Two-thirds of the whole must have concurred in a conviction. To what extent it was merely a political *experiment* may be judged of by the answer to the question, Is the accused guilty, or not guilty? There were eight distinct charges. The

federalists, viz.—Mr. *J. Q. Adams*,* Mass.; Mr. *Bayard*, Del.; Mr. *Bradley*, Vt.; Mr. *Dayton*, N. J.; Mr. *Hillhouse*, Conn.; Mr. *Mitchell*, N. Y.; Mr. *Olcott*, Vt.; Mr. *Pickering*, Mass.; Mr. *Plumer*, N. H.; Mr. *Smith*, Va.; Mr. *Smith*, N. Y.; Mr. *Smith*, Ohio; Mr. *Tracy*, Conn.; Mr. *White*, Del., voted not guilty, on all the charges; so also did Mr. *Gaillard*, S. C., who is not supposed to have been a federalist.† Those who answered that Judge Chase was guilty, on some of the charges, and who are supposed to have been all Jeffersonians, were the following: Messrs. Anderson, Baldwin, Brackenridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Samuel Smith, Stone, Sumpter, Worthington, Wright. The answers of the latter class were very much varied; no one considered the accused as guilty on all the charges. So this experiment to subject the judiciary to the executive and legislative departments failed in this instance, if such was the design.

This trial may be considered under different aspects. The President, the judges, and other civil officers may be guilty of high crimes and misdemeanors, in their official stations, and some provision must exist for their removal, and disqualification to hold office in future. This provision may be righteously, or oppressively carried into effect. To what end it was applied, in this instance, all may judge from the circumstances of the case, and from the temper of the prosecution.

* This trial occurred before Mr. Adams had changed his opinions as to the federal party.

† This is an error; and in justice to the author, who would have rectified any misstatement of this kind most willingly, this error is corrected. This vote was not a mere party vote, although it has often been so represented, and it is due to the memory of Judge Chase to say so. Among those claimed above as *Federalists*, and who voted "not guilty," are *Bradley* of Vt.; *Mitchell* of N. Y.; *Smith* of N. Y.; and *Smith* of Va., (this should be Vt.;) all of whom were Democrats, and never had anv pretensions to be considered *Federalists; Smith* of Ohio, may have been a federalist, but it is uncertain.—The above, together with the *Federalists* named, voted "not guilty" on all the charges, and so did a majority of the Senate on all charges excepting one.

The acts, charged as crimes, were done nearly five years before the trial, and during the federal administration. The accusation was made in a House of Representatives, of which two-thirds of its members were there, because they were opponents of that administration. The accusation was to be heard and tried in a tribunal, a large majority of whose members were of the same political cast. There was an expectation that the accused could not escape a judgment of condemnation. It is a disheartening truth, that, in the best of governments which men have invented, the malignity of passion may assume all the attributes of impartial justice; and that the promptings of personal hostility may infuse a spirit into a body of men, which impels them to do, in their official stations, such acts as each one of them alone would be ashamed to do. That which is still more disheartening is, that, as this country grows older, and as its population increases, and its parties become more and more embittered, those who submit, through ignorance or fraud, to the influence of party delusion, will avail themselves of the constitutional machinery, to remove and to crush political adversaries. In all such painful forebodings, it is impossible to free one's self from the belief, that Mr. Jefferson, whether he so intended to do or not, has, by his example and his opinions, done more than any other man to mislead and pervert his fellow-citizens. His theories of social union and government were irrational and impracticable. He substituted mere popular impulse, which cunning men can make to be what they will, for the enlightened and honest application of abstract rules. Popular election, really intended to be the protective power which the people have reserved to themselves, was converted by him into the dangerous engine, by which the people themselves may be enslaved, and made to rejoice in their own chains, since it is their own act which puts them on. There are numerous instances in proof that this may be so. To say nothing of events in the decline of the Roman republic, there are proofs enough in the recent history of France. At this day, the President of the United States is sustained in his views of constitutional power by the popu-

lar will. That will is none other than his own. It makes no difference, whether a majority stand ready to ratify and applaud all that a president calls right, or whether the popular will is created by such means as Mr. Jefferson was supposed to have organized, and to have bequeathed to his countrymen, as his mode of "*bringing back the constitution to its original principles.*"

LETTER XLIII.

SEPTEMBER 3, 1833.

THE great achievement of Mr. Jefferson's first four years, was the purchase of *Louisiana*. This country had belonged, in early days, to the French, whence its name. It was afterwards ceded to Spain, with the Floridas; thus there was a territory, which stretched across the Mississippi, and extended southwardly to the ocean, in the possession of a foreign power. In Washington's time, (October 27th, 1795,) a treaty was made with Spain, whereby this right was secured: "His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New Orleans, and export them from thence, without paying any other duty than a fair price for the hire of stores; and his majesty either promises to continue this permission, &c., or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment."

In the same year, 1795, a treaty, offensive and defensive, had been made between France and Spain. In 1801 and 1802, the Spaniards, under the influence of France, committed the most offensive aggressions, wherever they came in contact with American shipping or citizens. They captured and carried into their ports more than 130 American vessels; seized and imprisoned

the American consul at a port in the island of Cuba; and as early as October, 1802, *Morales*, Intendant of Louisiana, gave notice, that American citizens would no longer be permitted to deposit their goods at New Orleans; nor was any "equivalent establishment" assigned. These wrongs, on the part of Spain, were well known to Mr. Jefferson long before the meeting of Congress in December of this year, 1802. But the message was entirely silent concerning all Spanish aggressions. In January, 1803, the House of Representatives called on the executive for information, and the fact of the interruption of the right of deposit was communicated; and, at the same time, a secret message was sent, and debated with closed doors. This message is too long to be copied, and is not worth the labor. It shows only the sort of policy pursued by Mr. Jefferson, which must be apparent on many other occasions.

On demanding of Spain to redress this wrong, and to comply with the treaty stipulation, the American minister was informed, that Louisiana had been ceded to France. Mr. Jefferson then undertook, without consulting Congress, to purchase Louisiana of France for fifteen millions of dollars; and to incorporate its inhabitants with those of the United States. The people of that country were a mixture of Spaniards and Frenchmen, in number about two hundred and fifty thousand. The time taken for this measure was during the peace of Amiens, as it was called, which lasted from March, 1802, to the 17th of May, 1803. The purchase was concluded in April, 1803. On the 13th of March, Napoleon announced, at an audience of foreign ministers, the approaching rupture with England.

This was a perilous and extraordinary assumption of power; and was most seriously condemned, *on principle*, by all the opponents of the administration. Mr. Jefferson admitted, that he had no constitutional right to make this purchase. It was said, at the time, that one object was to aid France; the other, to escape the responsibility of asserting the rights of the United States by force.

The federal party were reproached for their opposition to this

wise measure; but if the subject be viewed as it then appeared, they were clearly right. 1. The title of France was contingent. The treaty of Spain and France provided, that if the Duke of Parma, son-in-law of the King of Spain, were made King of Etruria, that within six months afterwards, Louisiana *should* be ceded to France. Of course, the title *was to be* made. 2. The boundaries of Louisiana were left undefined, furnishing thereby a cause of future contentions. 3. The *promise* of a title was fraudulently obtained from Spain, by the ministry of Godoy, whose acts Spain might, at some future day, disavow. 4. The French subjects of Louisiana could, and would, probably, have made *any* treatment of them by the United States, a sufficient claim to the interposition of Bonaparte to protect them. 5. The patronage acquired by the President over this territory was little short of a royal authority. 6. There was a provision, that the inhabitants of Louisiana should be citizens of the United States. It would have required an amendment of the constitution to make them such, which amendment was never made nor proposed. 7. Louisiana was then not in possession of France, but of Spain; and the treaty of purchase itself provides, that a French commissioner should go out to receive possession from the Spanish officers, and make a delivery to the United States. These (and many more objections might be stated) were very sufficient grounds to the opposition, to say nothing of the price, alleged bribery, and hurry of the transaction. At the time of signing the treaty, it was well known that war between France and England was inevitable, that the bargain must be forthwith made, or that the opportunity of favoring France would be lost. Within twenty days hostilities were renewed.

This diplomatic operation has proved to be far more advantageous to the United States, than there was any ground even to hope for, thirty years ago. The fears then entertained, have disappeared in the changes which have occurred in the power, and in the probable designs both of France and Spain, in relation to this country. And also, that whatever Mr. Jefferson's motives

may have been, and however assuming to make this purchase, it was certainly better to have made it, and in whole, than to have had either a Spanish or French colony on the banks of the Mississippi. Thus, Mr. Jefferson was so fortunate as to find, that an act which would have called for an impeachment under some circumstances, is now regarded as the most meritorious of his public life. It will be seen, hereafter, how well founded the apprehensions of Mr. Jefferson's opponents were. With respect to the sum, (fifteen millions,) it was probably thrice as much as needed to have been given; because Bonaparte knew, at the time of the purchase, that on renewal of the war, the whole country of Louisiana would be taken possession of by the British; and would consequently be lost both to France and Spain.

Mr. Jefferson's merits in this purchase are not to be estimated by the subsequent turn of affairs in Europe, as to France and Spain, which no one foresaw or imagined; and least of all men should Mr. Jefferson applaud himself, since he wished and believed that Bonaparte would subdue England, instead of being subdued and exiled himself. If Mr. Jefferson's ardent wishes had been realized, the people of the United States would have regretted the expenditure of their millions, which would have become necessary in defence against the man to whom they were given. In fact, this brilliant achievement was a humiliating, degrading policy in itself, and should be the least of all Mr. Jefferson's claims to an honorable fame, notwithstanding it has proved, so far as can now be discerned, a useful measure, excepting in the amount which it cost.

The worshipers of Mr. Jefferson (see July No., 1834, of North American Review) vaunt of the purchase of Louisiana, as though Mr. Jefferson foresaw, and intended to provide for the existence of a great *commercial city* on the banks of the Mississippi. Mr. Jefferson's opinions on commerce and cities are better ascertained than any others which he had. It is assertion in the face of Mr. Jefferson's own declarations, that he wished to promote any of the benefits which have arisen from this purchase. The evidence is

irresistible, that he was governed by that policy which characterizes timid and irresolute men, who are always among the bravest, where there is no danger. He seems to have wished to have Napoleon successful, and yet to have dreaded the consequences of that success. He wished to have England conquered, yet feared the "Republican Emperor" would not stop at that conquest. He relieved himself by giving whatsoever the Emperor demanded.*

* "And what is to be our security, that when embarked *for her* (England) in the war, she will not make a separate peace and leave us in the lurch? *Her* good faith! The faith of a nation of MERCHANTS! The *Punica fides* of modern Carthage!" (Jefferson to Governor John Langdon, [who was himself a merchant,] vol. iv., p. 146.)

"And have our commercial citizens merited from their country the encountering another war to protect their *gambling* enterprises?" (Jefferson to John Adams, June 10, 1815, vol. iv., p. 262.)

"The proportion, which the aggregate of other classes of citizens bears, in any state, to that of its husbandmen, is the proportion of its unsound to its healthy parts; and is a good enough barometer, whereby to measure its degree of corruption."

"The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body." (Jefferson's Notes on Virginia, pp. 240, 241.)

"Our commercial dashers, then, have already cost us so many thousand lives, so many millions of dollars more than their persons and all their commerce were worth." (Jefferson to W. H. Crawford, June 20, 1816, vol. iv., p. 284.)

"A republican emperor, *from his affection to republics*, independent of motives of expediency, must grant to us the Cyclops' boon of being the last devoured." (Jefferson to Langdon, March 5, 1810, vol. iv., p. 145.)

LETTER XLIV.

SEPTEMBER 7, 1833.

AMONG the best legislative acts of John Adams's presidency, was the law for regulating the admission of aliens to citizenship. It is not enough that this country opens its ports to all men, wheresoever born, and howsoever educated; and whether educated or not; and secures to them protection of person and property. Is it right and just, relatively to our own citizens, to confer on aliens an equal share in the sovereignty, after a short residence, whether such aliens do, or do not know anything of the institutions of this country? Whether Mr. Jefferson considered the restrictive provisions of the recent law inexpedient in themselves; or whether he included that law in his general condemnation of all federal measures, merely because they were such, is doubtful. If the former, his policy was erroneous; if the latter, it was only characteristic. No country but the United States ever adopted (it is believed) such a policy. Its operation in some of the maritime cities is felt to be a serious evil, whatever it may be in the new states. Even the latter have derived no benefit from it, compared with its disadvantages. Impolitic as it may be, it is one of the evils which Mr. Jefferson has sanctioned; and there is little hope now, that it will ever be removed, by returning to the wise provisions of the law of which Mr. Jefferson recommended the repeal. As the law is now construed, any alien who makes a previous declaration of two years' standing, in certain courts, of intention to become a citizen, may become such, with some ceremonies easily accomplished.

In proposing the repeal of the naturalization law, as it had been recently amended, as a federal measure, Mr. Jefferson in his message of December, 1802, uses these words:

"I cannot omit recommending a revisal of the laws on the

subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask for it; and controls a policy pursued from their first settlement, by many of these states, and still believed of consequence to their posterity. And shall we refuse to the unhappy fugitives from distress that hospitality, which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bonâ fide* purpose of embarking his life and fortunes permanently with us? With restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the *genuine* citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it."

This is a *genuine* Jeffersonian paragraph. Is it to be most admired for its *clearness* in communicating the writer's thoughts; for its elegance of expression; for its sound policy; for its paternal care of the American flag; or for its wise precaution in keeping the nation from war, to protect aliens? Every benefit that Mr. Jefferson desired for aliens, they had, as the law was when this message was sent, except the right of voting and of holding real estate. Alienage is not a bar to purchasing, and holding, and alienating real estate; though it is to transmitting it to heirs. In some states, aliens may hold real property for all purposes for which a native citizen may hold it. Mr. Jefferson must have desired, therefore, principally to vest in them the right of suffrage, which is a very interesting point to native citizens, considering the great number of foreigners "arriving in this land." There have been some arguments against such a policy; and among others, these:

"It is for the happiness of those united in society to harmonize, as much as possible, in matters which they must of necessity transact together. Civil government being for the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours are more peculiar, perhaps, than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of emigrants. They will bring with them the principles of the government they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. In proportion to their numbers, they will share with us the legislation. Suppose twenty millions of republican Americans thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a million of foreigners to our present numbers would produce a similar effect here."

This is Mr. Jefferson's own argument, taken from his "Notes on Virginia," pages 125, 126. Probably it was enough to change his views, that the recent naturalization law had been made by federalists. If not, sufficient reasons may be found in the policy, disclosed in his administration, with respect to England; and plainly descernible in his message on naturalization.

While it is readily admitted, that every department of industry, the bar, diplomacy, legislation, and even the bench, has had ornaments of transatlantic origin, which are honorable to the country, yet the most expansive philanthropy cannot embrace all the human beings which Europe throws forth, to the extent of conferring on them, (almost at the moment of arrival,) a participation in political sovereignty. It is right to give to a stranger kindness

and hospitality, as long as he is worthy of them; but it is the excess of folly to allow him an equal voice in the government of the family, and a claim to share the inheritance in common with its members. If Mr. Jefferson had done no other ill-advised act, than thus throwing open the avenue to citizenship, it would be enough to deprive him of all consideration as a far-sighted, patriotic statesman.

If there could be a discrimination between such aliens as would understand and value our institutions, and those who cannot, or who do understand only to pervert them, naturalization might be useful both to aliens and the country. There can be but one rule for all; and the country is in no such want of population as to apply that rule to its own injury. It may happen that some good citizens are excluded by such a rule as that adopted in Mr. Adams's time, but this weighs nothing against the evil of indiscriminate admission.*

LETTER XLV.

SEPTEMBER 11, 1833.

A NAVY is indispensable to a commercial country, and to no one more than to the United States. It now has the unqualified confidence and respect of the whole nation. Washington began it in fact, whoever may contend for the honor of originating the establishment. In Mr. Adams's time, it attained to some celebrity, and was growing in respect and confidence. What sort of a navy

* The majority of the city of New York, it is said, indicates the majority of the state; and this, the majority of the nation. What would have been the majority in that city, for years past, if Thomas Jefferson had not asked of Congress to repeal the law made in John Adams's time? And what connection had this matter with the election of *Andrew Jackson?*

was it? Such as other commercial nations have established and ever must establish, to meet the naval force of any other country. It consisted of *ships*, well armed, officered, manned and disciplined. One of the earliest built ships is still the pride of the nation ("Old Ironsides"). Now what did the economical and philosophic Mr. Jefferson think it best for this commercial country to do with this infant navy? He recommended its reduction, and would, probably, have been glad to see it annihilated. There is no way of knowing, from what Mr. Jefferson said, what he really intended, so far as his "messages" expressed his meaning. When he came into power, there were fifteen frigates and twelve smaller ships. The former were immediately reduced to *nine* and the latter to *two*. Instead of such vessels of war as other maritime nations have, he substituted a quantity of GUN BOATS, which were fit for nothing but to destroy the lives of those who attempted to navigate them. A small boat with one great gun mounted on its bow, was well adapted to roll over in a heavy sea; and so it proved on actual experiment, and Mr. Jefferson's gun-boats have long been abandoned; and even he seems to have been convinced of the folly of the invention. He says himself, "This species of naval armament can have little effect towards protecting our commerce in the open seas, even upon our own coasts." This was an unexpected concession, and could have been drawn forth only by the truth, reluctantly admitted, that fifty such boats were so many egg-shells against a fifty-gun ship. In the "open sea" they were useless, and if good for anything anywhere, it could only be in shallow water, where no enemy's vessel could come.

Then as to the economy of this armament. It appears from the official report of Mr. P. Hamilton, Secretary of the Treasury, soon after Mr. Madison came to the presidency—

That the frigate President of 56 guns, cost	$221,000
Fifty-six gun-boats, would cost	496,000
Annual expense of a 56 gun-frigate	120,000
Annual expense of 56 gun-boats	655,200
Balance against gun-boats	535,200

Each gun in a frigate is supposed to be maintained
at an annual expense of $ 2,142
Each gun, in a gun-boat, at an annual cost of 11,700

This gun-boat scheme is a fair illustration of the utility and economy of Mr. Jefferson's administration. This sort of "armament," if such it can be called, seems to have been authorized by act of Congress in 1803. Mr. Jefferson kept it up during his presidency. It disappeared soon after his retirement.

It is not distinctly remembered, after the lapse of nearly thirty years, how Mr. Jefferson's eulogists considered this exploit of the gun-boats; nor whether they applauded Mr. Jefferson for his ingenuity in devising means for conquering the enemies of the country, or of defending it against their attempts at conquest; nor whether they applauded him for his tenderness in guarding the money taken from "the mouth of labor;" or only for his philosophy. But this is remembered, that among those who were of his party it was always certain, that a federal President could not do right, and that Mr. Jefferson could not do wrong.

LETTER XLVI.

September 15, 1833.

Louisiana having been purchased, a question soon arose as to boundaries; no other description being given in the treaty, than that the territory purchased was that which France held before Spain acquired it. Mr. Jefferson considered this to mean an extent of country eastwardly from the Mississippi to the bay of Perdido. Spain, then holding Florida, insisted that the limit was the river Iberville; thus cutting off about 30,000 square miles. This disputed territory had already been made a collection district by act of Congress. When Spain denied the claim of the United

States and forcibly expelled American citizens from this territory, Bonaparte was applied to for an explanation. He answered, that France had no right beyond the Iberville, and, consequently, could not mean to sell any. Spain, displeased with the cession to the United States, refused to treat, insisting that the Iberville was the boundary. While affairs were in this condition, two remarkable events occurred, the Miranda expedition and the beginning of Burr's proceedings in the west. Both these affairs are very extraordinary in their details, but cannot be followed out in these sketches, further than may be necessary to show the character of Mr. Jefferson's administration.

Miranda was the grandson of the governor of Caraccas. He was in France in the early part of the revolution, and went through a variety of fortune, as a military officer in the French service, and as a persecuted individual, as successive factions arose. In 1806, he devoted himself to emancipate South America; and knowing of the hostile spirit which had arisen between Spain and the United States, he came hither in the hope of advancing his project. He openly fitted out and armed a ship called the Leander, in the port of New York. Several Americans having, or supposing they had the assent, or approbation of the government of the United States, aided Miranda in this expedition; and a number of young men of respectable connections embarked on board the Leander, and departed with Miranda, all which was supposed to be well known at Washington, as no secret was made of the purpose of Miranda.

The following is copied from a volume, entitled "Memoirs of Thomas Jefferson." Whether the facts therein stated are true, or not, must be judged of from other facts which are not disputable. Miranda, "in December, 1805, went to Washington, where he had an interview with Mr. Madison, the Secretary of State, and laid before him and the President a plan of an expedition against the Caraccas. He showed them letters from friends in that country, which went to prove, at least, the great probability of success; and unfolded to them a plan of the government, which

he meant to establish in those provinces. The President attentively perused and considered the plan; kept it twenty-four hours, and then returned it to the General (Miranda), with expressions of much approbation. Miranda urged the co-operation of the American government. Mr. Madison replied, that Congress did not approve of going to war with Spain. Miranda replied, that though government should not be disposed to aid him, he would carry the plan into execution himself, provided they would not interfere with his preparations, to which the Secretary made answer, that provided Miranda proceeded with proper precaution, so as not to commit them, the government would shut their eyes upon the matter. With this assurance Miranda returned to New York to make preparations."

There is some probability of the truth of this account from the fact, that Colonel William S. Smith, son-in-law to John Adams, was made acquainted with the design, and permitted his son, William Steuben Smith, to accompany Miranda. Mr. Samuel G. Ogden furnished Miranda with the ship Leander, to proceed to the town of Caraccas, and to land him there, or as near thereto as might be. Miranda carried out 180 men, large quantities of military stores, two printing presses, and a number of journeymen printers. All this was conducted so openly, as to be a subject of common conversation. The ship was regularly cleared at the custom-house, and remained several days afterwards in port, to increase the number of men. All this, with the exception of Miranda himself, and, perhaps, a very few others, was *American.* The Leander sailed early in 1806.

On the 1st of March, 1806, Colonel Smith and Mr. Ogden were arrested on a warrant of Judge Tallmadge, and being brought before him, each was informed, that he was called on to give evidence against the other. Questions were propounded, and these gentlemen were threatened with imprisonment, if they did not answer. Finding this consequence inevitable, they made and signed a written declaration of what they knew. A most remarkable prosecution was carried on against these two men by a

Jeffersonian judge; all of which may now be seen of record; but when it came to the opinion of a jury, they were honorably acquitted. One would like to know what Mr. Jefferson and Mr. Madison had to do with this prosecution; what motives they had for countenancing this expedition of the Leander up to the hour of her departure; and then turning upon Smith and Ogden, to sacrifice them in the forms of a judicial process. May it not have been for two purposes? first, to have all the mischief done to Spain which Miranda contemplated? and, secondly, to exculpate themselves, if Spain or France should complain? If such were the motives, what name should be given to such statesmen? The end of this expedition was unfortunate enough for those who engaged in it. They were taken, and most of them ended their lives in Spanish dungeons. The gallant and accomplished Miranda was sent to Spain, and confined in the dungeons of the Inquisition at Cadiz, where he died at the end of four years. He was called "the earliest martyr of freedom in Spanish America."

As to "Burr's conspiracy," this unfortunate man, on leaving the vice-presidency, in 1805, became a wanderer. He appeared in the western states, in the course of that year; and there attempted to carry into effect some designs, but precisely of what character is not certain. It may be, that he calculated on a war with Spain, and intended to advance his own interests under the supposed approbation of the administration, as Miranda did. It may be, that he intended to possess himself of Mexico; or, perhaps, to plunder New Orleans; or to sever the Union with the aid of Spain, and found a western empire; perhaps he intended, as a last resort, to effect a settlement of lands on the rivar Washita. His purposes do not appear to have been disclosed, so that they can be placed beyond conjecture. Whatever his plans may have been, it is certain, that Mr. Jefferson knew, as early as January, 1806, that Mr. Burr was in the western country, and had plans of some sort interesting to the United States.

Joseph Hamilton Daveiss, at this time attorney of the United

States for the district of Kentucky, published a pamphlet to show what he did to detect Burr. His pamphlet gives copies of the letters which he wrote to Mr. Jefferson, in the months of January and February of that year. In these letters, Daveiss discloses a very intimate connection between the celebrated General Wilkinson (Mr. Jefferson's military chief at New Orleans) and Mr. Burr. He also mentions, that two men of distinction in the western country were under an annual stipend to promote the views of Spain. It seems to have been intended by Spain, to detach all the country west of the mountains from the United States, a very natural consequence of the purchase of Louisiana.

The first letter of Daveiss is dated the 10th of January, 1806. The first acknowledgment of it by Mr. Jefferson is dated the 15th of February following. Although Mr. Daveiss appears to have devoted himself most faithfully to the investigation of the designs going on in the western country, and wrote eight very circumstantial letters to Mr. Jefferson, the next communication from Mr. Jefferson was a short letter under date of September 12, 1806, merely acknowledging the receipt of Mr. Daveiss's disclosures. What motives Mr. Jefferson had for taking no part in defeating Mr. Burr's purposes at an earlier period, can only be conjectured. He might have intended to let Burr, like Miranda, do all the injury to Spain, which he could do, and, in his own time, to disavow these acts, and to have the gratification of punishing a man, who had dared to be a competitor with him for the presidency.

It appears, that towards the close of 1806, Colonel Burr did engage in some expedition to proceed down the Ohio and the the Mississippi; that he had procured some boats, and that a small number of men were to accompany him. On the night of the 10th of December, 1806, there were assembled at Blannerhasset's Island, in Ohio river, a few men, who had two or three boats, on board of which some arms are said to have been laden. These boats departed that night, and arrived at the mouth of Cumberland river. Burr was not of this party, but descended the Cum-

berland with some boats, and there joined the Blannerhasset party; and the whole force proceeded down the Ohio, and into the Mississippi. The number of boats, after Blannerhasset united with Burr, was said to be not more than eight, and the number of men not exceeding sixty. Before this time Burr had been twice accused by grand juries in Kentucky; but there was no sufficient ground to proceed against him. On hearing of the second accusation, he voluntarily presented himself at court and was discharged.

An extensive combination had undoubtedly been contemplated; and in part effected for some purpose. General James Wilkinson, then at New Orleans, was in some way connected with this affair, but in what manner and to what extent seems to be questionable. There was a communication in cipher between him and Burr. The only letter so written seems to have had relation to an invasion of Spanish territory. It is hardly doubtful whether the administration were ignorant of this. If they were not, it is difficult to account for continued confidence in Wilkinson to the close of his life. Some persons had gone by sea to New Orleans in expectation of Burr's arrival, and among others, Mr. —— Swartwout, of New York, and the famous Dr. Bollman. Whatever the plot may have been, it was entirely defeated. At the time which best suited the purposes of the administration, the western country was awakened; orders were issued to the naval and military force of the United States, to take Burr and his party while descending the river, and "if it shall become necessary for that purpose, to destroy his boats." Apprised of these measures, Burr thought proper to be landed somewhere on the shores of the Mississippi, and thence found his way to the Tombigbee river, in the Mississippi territory, on the 19th of February, 1807, accompanied by one person.

It appears that Burr was in advance of his companion thirty or forty yards, in passing a settlement called Washington Court House, at about eleven o'clock at night. Burr passed on without halting or speaking; but his companion inquired of one standing at the door of a public house for the dwelling of a Major Hinson,

and, on being answered, followed Burr. The person inquired of, suspecting the first traveller to be Burr, followed with a sheriff to Hinson's, and there having his suspicions confirmed, went to Fort Stoddard, and obtained a military officer and four soldiers, who took Burr into their custody. He was thence conducted as a prisoner to Richmond, where he arrived towards the close of the month of March.

LETTER XLVII.

SEPTEMBER 21, 1833.

ON the 30th of March, 1807, George Hay, Esq., Attorney of the United States for Virginia, applied to Chief Justice Marshall to commit Colonel Burr on the charge of treason. A preliminary examination was had of the evidence, and the judge was of opinion that it did not authorize a commitment for that crime, but only for a misdemeanor; and Burr was, therefore, allowed to find bail for his appearance at the next Circuit Court at Richmond; bail was given.

On the 22d of May, the Circuit Court was opened. The counsel for the prosecution were George Hay, Alexander McRae and William Wirt. For Burr, John Baker, Benjamin Botts, John Wickham, Edmund Randolph and Luther Martin appeared. At a subsequent day, Charles Lee also appeared. To these may be added Burr himself, who had been a lawyer of great eminence. Many days were passed in selecting a grand jury. Among others William B. Giles had been summoned, who had been informed by Mr. Jefferson of the certainty of Burr's guilt. This gentleman, no doubt at Mr. Jefferson's suggestion, had moved the Senate to suspend the writ of habeas corpus, which motion, if successful in both branches, would have given Mr. Jefferson

unlimited control over the personal liberty of every citizen in the United States. The motion was rejected even by that Congress. Mr. Giles seems to have had little doubt of his fitness to serve as grand-juror. But after examination and discussion he withdrew. John Randolph (the same who was sent recently as minister to Russia) was foreman of the grand jury.

There appears to have been much discussion in court on the evidence which should go to the grand jury. Among other persons called as witnesses for the government, was Dr. Erick Bollman, for whom Mr. Jefferson had prepared a certificate of pardon, which Mr. Hay presented to Bollman in court, and which Bollman peremptorily refused to accept. He was, however, sworn and sent to the jury.

While the jury were deliberating, the court were engaged in a long argument on a motion to punish General Wilkinson for contempt of court, in having unlawfully caused one Knox to be arrested, imprisoned, and forcibly conducted on board a United States vessel, called the Revenge, at New Orleans, and thence brought to Richmond as a witness against Burr. The proceedings of Wilkinson appear to have been arbitrary and oppressive, and enforced by his military authority; but the Chief Justice decided, that he was not chargeable with contempt. Wilkinson came from New Orleans in the same vessel. The precise charge against him was, that he had used illegal means; and had invaded the privilege of witnesses, tending to the corruption of evidence; and materially to affect the justice and dignity of the court, so as to subject him to process of contempt. But, as before stated, the charge was not sustained.

On the 24th of June, the grand jury came in with charges of treason and misdemeanor against Burr; and with like charges against Herman Blannerhasset. Afterwards similar charges were found against General Jonathan Dayton and one Smith. Great difficulties occurred in selecting a jury for trial; party feelings had taken so strong a hold, that almost every person called seemed

to have made up his mind from rumors and newspaper statements. The selection of a jury occasioned a long delay.

On the 17th of August, Burr was put on trial, charged with having excited insurrection, rebellion and war, on the 10th of December, 1806, at Blannerhasset's Island, in Virginia. Secondly, the same charge was repeated, with the addition of a traitorous intention of taking possession of the city of New Orleans with force and arms. To all which he pleaded not guilty.

Many witnesses were examined, to show in what manner Colonel Burr had employed himself in the western country, in 1805 and 1806; and to show that he had contracted for boats and provisions; and had conferred with divers persons, to some of whom he had disclosed one purpose, and to some another, according to the expectation of operating on them through different motives. The probability is, that Burr was then a desperate man. He was an exile from the state of New York, in consequence of the pendency there of the indictment for the murder of Colonel Hamilton; he had lost the popular favor; his means had been much reduced; he held the administration in contempt; he had insatiable ambition; and appears to have thirsted for opportunity to distinguish himself, and to retrieve his standing at all hazards. Yet, as circumstances now appear, one cannot but think, that a man of Burr's sagacity must have had some assurances and encouragement from the government, or from its military chief, Wilkinson, that he might move against the Spanish territories, whatever other designs he may have had. If Burr had no such reliance on government, it is improbable so intelligent a person should have imagined, that he could proceed successfully with his few boats and men, even if permitted to do as he pleased. If his object was to seize New Orleans, he must have been deranged to think his armament sufficient for his purpose, if he had not been assured of Wilkinson's co-operation. If Wilkinson can be supposed to have favored Burr's design, he may have changed his mind at a convenient time; or he may have accepted Burr's confidence, with the intention of defeating his projects, when this

could be most effectually done. It is very possible that Mr. Burr, who is yet living, may leave some account of these transactions.

Among the witnesses called by the government against the accused was a very extraordinary man, well known and much esteemed for his exploits on the northern coast of Africa. His testimony is interesting, because it discloses his views of Colonel Burr; and because it gives some account of himself. It should be remarked, that the counsel of the accused insisted that the government's counsel ought to be required to prove, in the first instance, some overt act of levying war against the United States, according to the charge in the indictment, viz., at Blannerhasset's Island, in the Ohio river, in the month of December, 1806. This, like other suggestions, was fully argued, and it was decided to be proper first to offer such proof. The gentleman above alluded to, General William Eaton, was then called as a witness, and it was asked whether he was called to prove the overt act. It was answered that he was not, but to prove the *previous intention* of Burr. He was objected to, and another argument ensued; but the court decided, that evidence might be given of the intentions entertained by Burr, as these might show the character of the acts done at the island. General Eaton was thereupon sworn and examined. Commodore Truxton was also sworn and examined. The testimony of these two witnesses furnishes the best materials for judging of the real designs of Burr; but these have no longer such interest as to make it worth while to transcribe this evidence.

LETTER XLVIII.

SEPTEMBER 25, 1833.

SEVERAL other witnesses were examined to prove the acts done at Blannerhasset's Island by Colonel Burr's order, or suggestion. The sum of this evidence was, that he had directed the building

of boats and the purchase of provisions; and that three or four boats and some men with arms were at the Island about the 10th of December; that under fear of being taken by the militia, this party left the Island in their boats in the night, and went down the Ohio. It appeared that Burr had been at the Island, though not there at any time while this party were there, but was at a distance of hundreds of miles, and in another state, (Kentucky.) The counsel for the accused then moved the court, that the further examination should be arrested, inasmuch as it was proved, that Burr was not present when the *overt act*, (if such it was,) alleged in the indictment, took place.

This motion produced one of the most learned and able arguments to be found in the whole course of judicial proceedings. As much of it as is reported spreads over more than 450 pages. The Chief Justice pronounced his opinion on the 31st of August. At the commencement he says: "A degree of eloquence, seldom displayed on any occasion, has embellished a solidity of argument and a depth of research, by which the court has been greatly aided in forming the opinion which it is about to deliver." This carefully prepared and elaborate opinion resulted in this: that as the counsel for the government were not understood to deny, that if the overt act be not proved by two witnesses, so as to be submitted to the jury, all other testimony must be irrelevant; because no other testimony, (as to subsequent acts,) could prove the overt act. That an assembly on Blannerhasset's Island was proved by the requisite number of witnesses, and the court might submit to the jury, whether that assemblage amounted to a "levying of war;" but the presence of the accused at that assemblage being nowhere alleged, except in the indictment, the overt act was not proved by a single witness; and, of consequence, all other testimony must be irrelevant.

After this opinion had been delivered, Mr. Hay asked time to consider what his duty further required. When the court met at a late hour in the afternoon, Mr. Hay said, he had examined the opinion (which had been handed to him in writing), and that he

must leave the case with the jury. The verdict was, "We of the jury say, that Aaron Burr is not proved to be guilty under this indictment, by any evidence submitted to us. We, therefore, find him not guilty." Burr was tried at the same court on the indictment for misdemeanor, and acquitted. At the conclusion, Colonel Burr was ordered to be committed to answer in the state of Ohio to the charge of setting on foot, and providing the means for a military expedition in that state against the territories of a foreign prince, with whom the United States were at peace. He gave bail for his appearance, and was set at liberty. Whether any prosecution in this respect occurred, it has not seemed worth while to inquire. None is remembered. In 1808, Colonel Burr was in England. He returned in 1812. He came home to dwell in a humble seclusion, and was known only as a practitioner at the bar.

Mr. Jefferson did not lose sight of Burr. In a letter to Dr. James Brown, October 27, 1808, (vol. iv. p. 115,) he says: "Burr is in London, and is giving out to his friends, that government (English) offers him two millions of dollars, the moment he can raise an ensign of rebellion, as big as a pocket handkerchief. Some of his partisans believe this, because they wish it."

The trial being over, and the law having had its fair operation on the case, it might be supposed that a Chief Magistrate of the Union would be contented with having done his duty; and that decorum towards a co-ordinate branch of the government would have prevented him from dipping his pen anew. Most extraordinary is it, that one of his own family should have given to the world the following picture of the true character of the man. (See vol. iv. p. 102.)

To George Hay.

"Monticello, September 4, 1807.

"Dear Sir,

"Yours of the 1st came to hand yesterday. The event has been," (*here a number of stars are introduced, showing that something was written, which even Mr. Jefferson's editor did not*

venture to disclose,) "that is to say, not only to clear Burr, but to prevent the evidence from ever going before the world. It is now, therefore, more than ever indispensable, that not a single witness be paid, or permitted to depart, until his testimony has been committed to writing, either as delivered in court, or as taken by yourself in the presence of any of Burr's counsel, who may choose to cross-examine. These whole proceedings will be laid before Congress, that they may decide, whether the defect has been in the evidence of guilt, or in the law, or in the application of the law; and that they may provide the proper remedy for the past and for the future.

"I must pray you, also, to have an authentic copy of the record made out, (*without saying for what,*) and to send it to me. If the judge's opinions make not a part of it, then I must ask a copy of them, either under his hand, if he delivers one signed, or duly proved by affidavit.

"This criminal is *preserved* to become the rallying point of all the disaffected and worthless in the United States; and to be the pivot, on which all the intrigues and conspiracies, which foreign governments may wish to disturb us with, are to turn. If he is convicted of the misdemeanor, the judge must, in decency, give us respite by some short confinement of him; but we must expect it to be very short. Be assured yourself, and communicate the same assurances to your colleagues, that your and their zeal and abilities have been displayed in this affair, *to my entire satisfaction,* and to your own honor."

Such is the letter which *Thomas Jefferson* wrote concerning the official conduct of *John Marshall,* Chief Justice of the United States! Is it or not the outpouring of a peculiarly organized mind, at having lost its expected victim? Is it or not a search after means to dishonor a judicial officer, perhaps to impeach and remove him, because he did not convict, on solemn public trial, with the guard of a jury, one whom Mr. Jefferson had condemned in his closet, *unheard,* on the testimony of his own parasites? Is such a man a fit person to conceive of the solemnity and purity

of the administration of justice, where human life is involved, and where the law declares every man to be presumed innocent until found guilty? If Mr. Jefferson could have placed Tallmadges and Halls on the bench, at his pleasure, and could have packed his juries, what would have been the fate of the "disaffected and the worthless," in this land of liberty! Whatever may be thought of Burr, and however desperately wicked any one may please to think him, it is the principle of action, disclosed in this letter, which terrifies and astonishes, considering what station he held, who wrote it. Here is one more proof that those who talk and boast most loudly of republican liberty, are the men least qualified to be trusted with power.

This trial requires some remarks. In the course of the argument, some suggestions were made, (and very possibly in consequence of the letters written to Mr. Hay by Mr. Jefferson, during the trial,) that the court might be under some bias favorable to Colonel Burr. These called for some notice on the part of the Chief Justice. He did notice them with calmness, self-respect and dignity, which deserves to be remembered forever, not only to his due honor, but as an example of judicial independence and propriety, on which, no doubt, the liberties of this country depend, Mr. Jefferson's doctrines notwithstanding.

"Much," says the Chief Justice, "has been said in the course of the argument, on which the court feels no inclination to comment particularly, but which may, perhaps, not improperly receive some notice. That this court dares not usurp authority is most true. That this court dares not shrink from its duty is not less true. No man is desirous of becoming the peculiar subject of calumny. No man, might he let the bitter cup pass from him without self-reproach, would drain it to the bottom. But if he have no choice in the case; if there be no alternative prescribed to him, but a dereliction of duty, or the opprobrium of those denominated the world, he merits the contempt as well as the indignation of his country, who can hesitate which to embrace.

"That gentlemen, in a case the most interesting, in the zeal

with which they advocate particular opinions, and under the conviction, in some measure produced by that zeal, should, on each side, press their arguments too far; should be impatient at any deliberation in the court; and should suspect, or fear the operation of motives to which alone they can ascribe that deliberation, is, perhaps, a frailty incident to human nature; but if any conduct on the part of the court could warrant a sentiment that it would deviate to the one side or to the other, from the line prescribed by duty and law, that conduct would be viewed by the judges themselves with an eye of extreme severity, and would long be recollected with deep and serious regret."

These are the sentiments of one who understood the sacred trust of administering justice according to law, in a government of laws; sentiments, of which Mr. Jefferson was incapable of conceiving. He is rather to be commiserated than reproached for his incapacity.

This trial deserves remark on other grounds. The time may come when a *popular* President and a subservient Senate may place in judicial seats mere instruments of executive will. This is one way in which despotism may approach, and not an improbable one; quite as probable as in military form. We have already seen something of this in Mr. Jefferson's reign (embargo times); nothing was wanting then but the proper instruments.

At the time of this trial, Mr. Jefferson had acquired to himself, almost entirely by his pen, an astonishing supremacy over public opinion. All who did not bow to him were the "disaffected and the worthless." He cordially hated Burr. Every measure had been taken to pre-occupy the minds of the citizens against him. It was hardly to be expected that he should have a fair trial anywhere; and especially, perhaps, in the state in which he was tried; for there he had been prejudged by many of the most influential men, on Mr. Jefferson's own assurances of his guilt. It is of no importance who, or what the accused may have been; he was entitled to a trial according to law.

Taking the peculiar circumstances of the trial into view, it is

one of remarkable interest, and is well worth consideration for the instruction which it imparts. The accused had been the equal competitor with his real prosecutor for the highest office in a great republic. He was, for four years, second only to him,and had but recently descended from his elevation. His trial was for his life, nor for his life only, but that it might end on the gibbet, for a crime so infamous as to include, in its complete perpetration, almost every other in the catalogue of crimes. Here was a grand jury who believed him so far guilty, as to think it their duty to subject him to that trial. Here was a collection of jurors, as fair and impartial, perhaps, as the state of public excitement would permit; and here were learned and eminent counsel on both sides. The one intent to convict, not only because they thought this the line of professional and patriotic duty, but because they could not shut out from view, that conviction would be grateful to the man of the people. The other side, intent on applying the law and the evidence as it should be applied; and, perhaps, influenced by the fact, that they had some responsibility in shielding one, whose condemnation would have been, not merely an act of justice, but a political triumph. Presiding over this contention sat one, who could have felt no favor for the accused; and who must have abhorred the crimes which the indictment alleged. He could not have been ignorant of the character of the prosecution. In such circumstances, happily for him, he could rise above all motives, which the pure administration of justice rejected. It has rarely fallen to the lot of any man, to have had occasion to seek so earnestly for the truth, both as to the law and as to the evidence; and to no man, to have conducted himself with more dignity and magnanimity, in the most responsible station in which one can be placed.

There is an emotion of sadness in reflecting on the professional labor of this case. The feelings and the exertions of an advocate are little appreciated by the world. The judge has to feel the way of his duty, and to adhere to it, leaving consequences to themselves. The accused must be presumed to have thought of con-

sequences before he took on himself to act; but he confides his hopes and his fears, his life and his fame to his counsel; and they painfully realize that he does so. Laborious, indeed, must have been the exertions, in the intensity of summer, in a southern clime, in this serious investigation. The arguments, as reported, give some intimation of what these exertions were, in searching out, comparing and arranging authorities; but they do not, and cannot disclose to the world the painful anxiety of preparing and delivering the result of intense intellectual effort.

There is one circumstance in this affair of Colonel Burr which ought to be noticed, as it shows Mr. Jefferson's views of the proper exercise of power. Swartwout and Bollman had been forcibly seized by General Wilkinson at New Orleans, and sent under guard to the city of Washington, and there committed to prison. If these persons had been guilty, or liable to be put on trial at all, the trial should have been had in the district in which the crime was committed, viz., the Mississippi territory, in which the seat of justice was at New Orleans. These persons moved the court for a writ of habeas corpus, and both of them were discharged, because the proper place of prosecution, if there were evidence against them, was New Orleans, and not the city of Washington. If Wilkinson did not act by order of Mr. Jefferson, he acted with his approbation. Hence it appears what views Mr. Jefferson entertained as to the exercise of power; and what he would have done, if his friend Giles' motion to suspend the writ of habeas corpus had prevailed. The only apology which can be offered for Mr. Jefferson is, that he seems to have sincerely believed the will of a President *elected by the people*, (and none could be considered as part of the people who did not vote for him,) to be the supreme law. Thus it is obvious, that the will of such a President is a despotism; and of the worst sort, because he can give it the forms of law, when he can surmount the obstacle of judiciary interference.

NOTICE OF MR. WIRT.

Mr. Wirt, who makes a distinguished figure in this trial, was then about thirty-four years of age. At the age of about fifty-seven, an opportunity occurred to observe him, when he appeared in Boston as counsel in a cause of great interest to the parties. He was a tall, handsome man, well formed and rather full person, of polished and amiable manners. He observed a highly decorous deportment in his forensic tactics. In private society (while in Boston) he was grave, thoughtful, and not disposed to conversation. He was said to be a true gentleman in his feelings and intercourse with others, and deservedly beloved in his domestic relations. He was a scholar, a profound lawyer, and a man of real eloquence, founded on substantial intellectual power. His fame was entirely professional, excepting that he wrote a small volume entitled the British Spy, describing certain eminent men; and the Life of Patrick Henry. The former was much esteemed for the elegance of its style; of the latter, it is said, that he thought he had not acquitted himself as well as he supposed he had, when he sent it to the press. Since the foregoing page was written, the sorrowful intelligence is received, that this gentleman has deceased in the midst of his professional labors; one more proof of the severe cost and peril of eminence at the bar. The following extract will give some, though but a faint impression of the eloquence to which Mr. Wirt could ascend. It is taken from one of the many speeches which he made in the course of Burr's trial. It is extracted for the further purpose of showing this gentleman's view of Burr's machinations.

"Who Aaron Burr is, we have seen, in part, already. I will add, that beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labor contrives all the machinery. Pervading the continent from New York to New

Orleans, he draws into his plan, by every allurement, men of all ranks and descriptions. To youthful ardor he presents danger and glory; to ambition,—rank, titles and honors; to avarice,—the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. Civil life is, indeed, quiet upon its surface, but in its bosom this man has contrived to deposit the materials, which, with the slightest touch of his match, produce an explosion to shake the continent. In the autumn of 1806, he goes forth, for the last time, to apply this match. He meets with Blannerhasset.

"And who is Blannerhasset? A man of letters, who fled from the storms of his own country, to find quiet in ours. He sought quiet and solitude in the bosom of our western forests. But he carried with him taste, science and wealth; and lo! the desert smiled. Possessing himself of a beautiful island, in the Ohio, he rears upon it a palace, and decorates it with every embellishment of fancy. A shrubbery, that Shenstone might have envied, blooms around him. Music, that might have charmed Calypso and her nymphs, is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity and innocence shed their mingled delights around him. And to crown the enchantment of the scene, a wife who is said to be lovely beyond her sex, and graced with every accomplishment that can render it irresistible, had blessed him with her love, and made him the father of several children.

"The destroyer comes! he comes to change this paradise into hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming. A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts, by the dignity and elegance of his demeanor, the light and beauty of his conversation, and the seductive and fascinating powers of his address. Innocence is ever simple and credulous. Conscious

of no design itself, it suspects none in others. Such was the state of Eden, when the serpent entered its bowers.

"By degrees he infuses into the heart of Blannerhasset the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; an ardor, panting for great enterprises; for the storm, bustle, and hurricane of life. In a short time the whole man is changed; every object of former delight is relinquished. No more he enjoys the tranquil scene. His books are abandoned. His shrubbery blooms, and breathes its fragrance upon the air, in vain. His ear no longer drinks the rich melody of music; it longs for the trumpet's clangor and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him. The angel smile of his wife, which hitherto touched his bosom with ecstasy unspeakable, is now unseen and unfelt. His imagination has been dazzled by visions of diadems, of stars, and garters, and titles of nobility, &c. &c.

"In a few months, we find the beautiful and tender partner of his bosom, whom he lately permitted not 'the winds of summer to visit too roughly;' we find her shivering on the winter banks of the Ohio, and mingling her tears with the torrents that froze as they fell. Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another;—this man, thus ruined and undone, and made to play a subordinate part in this grand drama of guilt and treason,—this man is to be called the principal offender; while he, by whom he was thus plunged in misery, is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity? Sir, neither the human heart, nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr, then, not shrink from the high destination which he has courted; and having already ruined Blannerhasset in fortune, character, and happiness for ever, let him not attempt to finish the tragedy, by

thrusting that ill-fated man between himself and punishment." (Burr's Trial, vol. ii. pp. 96, 98.)

Highly honorable testimonials of Mr. Wirt's professional eminence and individual worth occurred on the event of his decease, as well among the members of the bar, as in court and in the House of Representatives. The latter an unusual occurrence, as he had never been a member of Congress, though he had been Attorney General twelve years, (from 1817 to 1829—Monroe's and J. Q. Adams' administrations.)

LETTER XLIX.

October 10, 1833.

In 1795, Alexander Hamilton, at the age of thirty-eight, resumed the practice of the law in the city of New York, and there continued until the close of his life. In December of that year, his personal appearance was this: He was under middle size, thin in person, but remarkably erect and dignified in his deportment. His bust, seen in so many houses, and the pictures and prints of him make known, too generally, the figure of his face, to make an attempt at description expedient. His hair was turned back from his forehead, powdered, and collected in a club behind. His complexion was exceedingly fair, and varying from this only by the almost feminine rosiness of his cheeks. His might be considered, as to figure and color, an uncommonly handsome face. When at rest, it had rather a severe and thoughtful expression; but when engaged in conversation, it easily assumed an attractive smile. He was expected, one day in December, 1795, at dinner, and was the last who came. When he entered the room, it was apparent from the respectful attention of the company, that he was a distinguished individual. He was dressed

in a blue coat with bright buttons; the skirts of his coat were unusually long. He wore a white waistcoat, black silk small clothes, white silk stockings. The gentleman, who received him as a guest, introduced him to such of the company as were strangers to him; to each he made a formal bow, bending very low, the ceremony of shaking hands not being observed. The fame of Hamilton had reached every one, who knew anything of public men. His appearance and deportment accorded with the dignified distinction to which he had attained in public opinion. At dinner, whenever he engaged in the conversation, every one listened attentively. His mode of speaking was deliberate and serious; and his voice engagingly pleasant. In the evening of the same day, he was in a mixed assembly of both sexes; and the tranquil reserve, noticed at the dinner table, had given place to a social and playful manner, as though in this he was alone ambitious to excel.

The eloquence of Hamilton was said to be persuasive and commanding; the more likely to be so, as he had no guide but the impulse of a great and rich mind, he having had little opportunity to be trained at the bar, or in popular assemblies. Those who could speak of his manner from the best opportunities to observe him in public and private, concurred in pronouncing him to be a frank, amiable, high-minded, open-hearted gentleman. He was capable of inspiring the most affectionate attachment; but he could make those, whom he opposed, fear and hate him cordially. He was capable of intense and effectual application, as is abundantly proved by his public labors. But he had a rapidity and clearness of perception, in which he may not have been equalled. One, who knew his habits of study, said of him, that when he had a serious object to accomplish, his practice was to reflect on it previously; and when he had gone through this labor, he retired to sleep, without regard to the hour of the night, and having slept six or seven hours, he rose, and having taken strong coffee, seated himself at his table, where he would remain six, seven, or eight hours; and the product of his rapid pen required little correction

for the press. He was among the few alike excellent, whether in speaking, or in writing. In private and friendly intercourse, he is said to have been exceedingly amiable, and to have been affectionately beloved.

Aaron Burr was at this time, (December, 1795,) probably about Hamilton's age. He had attained to celebrity as a lawyer at the same bar. He was of about the same stature as Hamilton, and a thin man, but differently formed. His motions in walking were not, like Hamilton's, erect, but a little stooping, and far from graceful. His face was short and broad; his black eyes uncommonly piercing. His manner gentle and seductive. But he had also a calmness and sedateness, when these suited his purpose, and an eminent authority of manner, when the occasion called for this. He was said to have presided with great dignity in the Senate, and, especially, at the trial of Judge Chase. Though eminent as a lawyer, he was said not to be a man of distinguished eloquence, nor of luxuriant mind. His speeches were short and to the purpose.

Hamilton considered him, both as a man and as a politician, much as he proved to be in after life; and was not careful to conceal his opinions. In short, he held Burr to be an ambitious and dangerous man, and was indiscreet enough to have expressed his opinions in such a manner, as to enable Burr to take offence, and to call him to account.

It seems, that a certain Dr. Charles D. Cooper had written a letter to some one, in which he said, "General Hamilton and" (another person who need not be named) "have declared in substance, that they looked upon Mr. Burr as a dangerous man, and one who ought not to be trusted with the reins of government." "I could detail to you a still more despicable opinion, which General Hamilton has expressed of Mr. Burr." On the 18th of June, 1804, this latter had, some time after its publication, come to Burr's knowledge, and on that day he sent a copy of it to Hamilton, by Mr. Van Ness, in which he demanded "a prompt

and unqualified acknowledgment, or denial, of the use of any expression, which would warrant the assertions of Dr. Cooper."

On the 20th, General Hamilton made a reply of some length, commenting on the demand made on him, and on the expressions imputed to him, and concluded by saying, "I stand ready to avow or disavow, promptly and explicitly, any precise or definite opinion, which I may be charged with having declared of any gentleman." "It cannot be expected that I shall enter into an explanation, upon a basis so vague as that which you have adopted. I trust, on more reflection, you will see the matter in the same light with me. If not, I can only regret the circumstance and abide the consequences."

On the 21st, Burr answered, and among other things said, "Political opposition can never absolve gentlemen from the necessity of rigid adherence to the laws of honor and the rules of decorum. I neither claim such privilege, nor indulge it in others. The common sense of mankind affixes to the epithet adopted by Dr. Cooper, the idea of dishonor. It has been publicly applied to me, under the sanction of your name. Your letter has furnished me with new reasons for requiring a definite reply."

On the 22d, General Hamilton consulted with a friend, (Mr. Pendleton,) and showed to him an intended answer of that date, in which he said, after some introductory remarks, "If by a definite reply, you mean the direct avowal or disavowal, required in your letter, I have no other answer to give than that which has already been given. If you mean anything different, admitting of greater latitude, it is requisite you should explain."

Conversations and correspondence ensued between Mr. Pendleton and Mr. Van Ness, in which it was made known to the latter, that General Hamilton could truly say, that he recollected only one conversation in which Dr. Cooper was present; and that it turned wholly on political topics, and did not attribute to Burr any instance of dishonorable conduct; nor relate to his private character; and that in relation to any other language, or con-

versation, which Burr would specify, a prompt or frank avowal or denial would be given.

This intercourse resulted in the express declaration of Mr. Burr's friend, Van Ness, "That no denial, or declaration will be satisfactory, unless it be general, so as wholly to exclude the idea, that rumors derogatory to Colonel Burr's honor have originated with General Hamilton; or have been fairly inferred from anything he has said. A definite reply to a requisition of this nature was demanded by Colonel Burr's letter of the 21st instant. This being refused invites the alternative alluded to in General Hamilton's letter of the 20th."

Mr. Pendleton made a very becoming answer, showing the *extended* requisition which this last letter contained, and perceiving the intention of both Burr and Van Ness to have the matter settled in one way and no other, appointed a time to receive the communication.

On the receipt of "the message," General Hamilton made a calm, deliberate commentary on the transaction, as far as it had gone, and put it into the hands of Mr. Pendleton, who offered it to Mr. Van Ness, but he declined receiving it; alleging, that he considered the correspondence *closed*. In this commentary General Hamilton remarks, that if the alternative alluded to is definitely tendered, it must be accepted; but that, as the Circuit Court of the United States was then sitting, he could not suddenly withdraw from his duties there; and that the time of meeting must be subsequently arranged. General Hamilton seems to have had a foreboding of his fate. On Friday, July 6th, the Circuit Court closed, and Mr. Pendleton informed Mr. Van Ness, that General Hamilton would be ready at any time after the following Sunday.

If Colonel Burr was resolved from the beginning to meet Hamilton, and to force him into conflict, as the record of this affair would indicate, he had, afterwards, abundant reason to regret that it was Hamilton, and not himself, who fell.

On Wednesday, July 11th, (1804,) the parties crossed the North River to Hoboken, on the Jersey shore. Hamilton arrived

at seven in the morning. Burr, as had been agreed, was already on the ground, accompanied by Van Ness and a surgeon. Hamilton was attended by Pendleton as his second, and Dr. Hosack. Hamilton was shot at the first fire, the ball entering his right side and passing through to the vertebræ. When the ball struck him, he raised himself involuntarily on his toes and turned a little to the left, at which moment his pistol went off, and he fell on his face. Dr. Hosack immediately came up, and found him sitting on the ground supported in the arms of Pendleton; he had strength enough to say, "This is a mortal wound, Doctor," and then sank away, and became, to all appearance, lifeless. He was taken on board the barge, and continued insensible until he was about fifty yards from the shore, when he revived in consequence of the applications made to that end, and said, "my vision is indistinct." His vision became clearer, and seeing the pistol which he had held in his hand, he said, "Take care of that pistol; it is undischarged and still cocked; it may go off and do harm; Pendleton knows I did not mean to fire at him." It would thus seem, that Hamilton was ignorant that he had discharged his pistol. As he approached the shore, he said, "Let Mrs. Hamilton be immediately sent for; let the event be gradually broken to her, but give her hopes."

General Hamilton lived in agony until two o'clock in the afternoon of the following day. In the affecting narration of Dr. Hosack, of the closing scenes of Hamilton's life, he says, "The great source of his anxiety seemed to be in his sympathy with his half-distracted wife and children. He spoke to me frequently of them; 'my beloved wife and children,' were always his expressions. His fortitude triumphed over his situation, dreadful as it was. Once, indeed, at the sight of his children, brought to the bedside together, seven in number, his fortitude forsook him; he opened his eyes, gave them one look, and closed them again until they were taken away. He alone could calm the frantic grief of their mother. 'Remember, my Eliza, you are a Christian,' were the words, which, with a firm voice, but in a pathetic

and impressive manner, he addressed to her." Dr. Hosack concludes his narrative with the truly appropriate words—

"Incorrupta fides—nudaque veritas;
Quando ullam inveniet parem?
Multis ille quidem flebilis occidit."

As the state of public opinion then was, and as it may still be with some persons, was Hamilton justifiable in hazarding his life against such a foe as Aaron Burr? No one will deny, that, in whatsoever remarks he may have made on the conduct and character of Burr, he was influenced by good and patriotic motives. If he thought it was dangerous to trust Burr with power in the republic, was he, or not, right in striving to prevent his elevation?* If he thought he discerned the real character of this man, was he forbidden to disclose it to prevent public evil? What rule is a man to prescribe to himself in an elective republic, as to disclosing what he may honestly believe to be promotive of the public welfare and preventive of public mischief? In such a case, it is believed, that one has a right to speak the truth of men, from good motives and for justifiable ends, especially when the party spoken of is a candidate for public suffrage. But prudence requires, that one should be careful to whom and before whom he speaks. Having spoken from good motives and for justifiable ends, no rule prescribed by any respectable authority demands of one to risk his life. If this be not so, a reckless Catiline may silence a thousand Ciceros. In this case Hamilton was in a trying condition. He had spoken of Burr what he believed to be true; he could not disavow what he had said, nor could he apologize, because he thought he had spoken only what was true, and that it was right so to speak. He was a *soldier*, and could not bear the imputation of wanting spirit; least of all could he bear the supercilious vaunting of Aaron Burr, that he had been called by him to account, and shrunk from the call. But Hamilton mistook the probable judgment of the world. If he had refused the

* Burr (if rightly remembered) was candidate for Governor.

meeting with Burr, public opinion would have absolved him. He thought this could not be so. He went to the field of death from a mistaken but elevated sense of self-respect. Doubtful of the public judgment, yet feeling how pernicious his example might be, he conceived himself bound to bespeak the candor of the world, if it should be his fate to fall. The last paper he ever wrote was the following:

"On my expected interview with Colonel Burr, I think it proper to make some remarks explanatory of my conduct, motives and views.

"I was certainly desirous of avoiding this interview, for the most cogent reasons. 1. My religious and moral principles are strongly opposed to the practice of duelling; and it would ever give me pain, to be obliged to shed the blood of a fellow creature in a private combat, forbidden by the law. 2. My wife and children are extremely dear to me, and my life is of the utmost importance to them in various views. 3. I feel a sense of obligation towards my creditors, who, in case of accident to me, may, by the forced sale of my property, be in some degree sufferers. I did not think myself at liberty, as a man of probity, lightly to expose them to this hazard. 4. I am conscious of no ill will to Colonel Burr, distinct from political opposition, which, as I trust, has proceeded from pure and upright motives. Lastly, I shall hazard much and can possibly gain nothing by the issue of the interview.

"But it was, as I conceive, impossible for me to avoid it. There were *intrinsic* difficulties in the thing, and *artificial* embarrassments from the manner of proceeding on the part of Colonel Burr. *Intrinsic*, because it is not to be denied that my animadversions on the political principles, character and views of Colonel Burr have been extremely severe; and on different occasions, I, in common with many others, have made very unfavorable criticisms on particular instances of private conduct of this gentleman.

"In proportion as these impressions were entertained with sincerity, and uttered with motives and for purposes, which might

to me appear commendable, would be the difficulty, (until they could be removed by evidence of their being erroneous,) of explanation or apology. The disavowal, required of me by Colonel Burr in a general and indefinite form, was out of my power, if it had been really proper for me to submit to be so questioned; but I was sincerely of opinion, that this could not be; and in this opinion I was confirmed by a very moderate and judicious friend, whom I consulted. Besides that, Colonel Burr appeared to me to assume, in the first instance, a tone unnecessarily peremptory and menacing; and in the second, positively offensive. Yet I wished, as far as might be practicable, to leave a door open for accommodation. This, I think, will be inferred from the written communications made by me and by my direction; and would be confirmed by the conversation between Mr. Van Ness and myself, which arose out of the subject. I am not sure whether, under all the circumstances, I did not go further in the attempt to accommodate, than a punctilious delicacy will justify. If so, I hope the motives I have stated will excuse me.

"It is not my design in what I have said, to affix any odium on the conduct of Colonel Burr in this case. He doubtless has heard of animadversions of mine, which bore very hard upon him; and it is probably that, as usual, they were accompanied by some falsehoods. He may have supposed himself under a necessity of acting as he has done. I hope the grounds of his proceeding have been such as ought to satisfy his own conscience.

"I trust at the same time, that the world will do me the justice to believe, that I have not censured him on light grounds; nor from unworthy inducements. I certainly have had strong reasons for what I may have said, though it is possible, that, in some particulars, I may have been influenced by misconstruction or misinformation. It is also my ardent wish, that I may have been more mistaken than I think I have been; and that he, by his future conduct, may show himself worthy of all confidence and esteem, and prove an ornament and blessing to the country.

"As well, because it is possible that I may have injured Colonel

Burr, however convinced myself, that my opinions and declarations have been well founded, as from my general principles and temper in relation to such affairs, I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me the opportunity to *reserve* and *throw away* my first fire; and I have *thoughts* even of *reserving* my second fire; and thus giving a double opportunity to Colonel Burr to pause and to reflect. It is not, however, my intention to enter into any explanation on the ground. Apology, from principle, I hope, rather than pride, is out of the question.

"To those who, with me, abhorring the practice of duelling, may think that I ought on no account to have added to the number of bad examples, I answer, that my *relative* situation, as well in public as private, enforcing all the considerations which constitute what men of the world denominate *honor*, imposed on me, (as I thought,) a peculiar necessity not to decline the call. The ability to be in future useful, whether in resisting mischief, or effecting good, in those crises of our public affairs which seem likely to happen, would, probably, be inseparable from a conformity to public prejudice in this particular.

"A. H."

However deeply to be regretted it is, that the name and memory of Hamilton must for ever be associated with the odious offence of duelling, it is some relief, that there is his own condemnation of the practice. If there be any atonement, even for him, it is found in the judgment which he formed, however erroneously, that his future usefulness to his country depended on his obedience to the barbarous "law of honor."

On Saturday, the 14th of July, the remains of General Hamilton were consigned to the tomb, with every mark of respect and honor, and with demonstrations, universal and heartfelt, of touching grief. From a stage erected in the portico of Trinity Church, Gouverneur Morris, having with him four sons of Hamilton, (the oldest sixteen, and the youngest six,) pronounced an extempo-

raneous oration over the remains of Hamilton, to an afflicted multitude. What occasion, in the history of the human family, could be more touching! It was HAMILTON who had fallen, in the midst of manhood and usefulness, and by the hand of BURR! The oration was worthy of the difficult and delicate occasion. It was uttered by one who felt the full sense of gratitude due from the country, and who fully comprehended the irreparable loss which the country had sustained. It was the overflowing of a mind that knew how to estimate the highest human worth, and the bereavement which affectionate friendship had to mourn.

The national misfortune was everywhere felt to be such, by all who were not steeped in party venom. Many funeral orations were pronounced; among others, one in Boston by Harrison Gray Otis, which was worthy of his own reputation and of the lamented object of his eulogy. Rufus King was among the audience on this occasion. It was delivered to a crowded assembly in King's Chapel, on the 26th of July. Among the concluding paragraphs is this faithful picture of the public feeling: "The univesal sorrow, manifested in every part of the Union upon the melancholy exit of this great man, is an unequivocal testimonial of his public worth. The place of his residence is overspread with a gloom which bespeaks the pressure of a public calamity; and the prejudices of party are absorbed in the overflowing tide of national grief."

Whatsoever *Thomas Jefferson* may have recorded of *Alexander Hamilton*, time and good sense are doing justice to both. The fame of Hamilton, associated with the fame of Washington, grows brighter and dearer to intelligent and patriotic Americans, while that of Jefferson, (with his own helping hand,) if remembered at all, will be only to show the difference between patriotism and its counterfeit.

LETTER L.

October 15, 1833.

Mr. Jefferson professes, in his communications to Congress, to be conscientiously careful of a "*just economy;*" he assumes to be *impartial* in all dealings with *foreign nations;* and scrupulously attentive to *national honor*. His pretensions in all these respects, may be tested by a single transaction.

The boundaries of Louisiana not having been defined, and Spain being exasperated at the purchase, a state of hostility had arisen with Spain, which Mr. Jefferson hoped to allay by negotiation. Mr. Monroe, the ever-ready diplomatist of Mr. Jefferson, was sent to Madrid, and there passed five months in an humiliating attempt at compromise. He was, at length, bold enough to say, that there were but two modes, arbitration or war. Spain answered, that she should not choose *arbitration*.

Mr. Jefferson was compelled to make a communication to Congress, which was confidential and secret, and wherein he makes known that the very difficulties (so far as France and Spain were concerned) which the federalists had *predicted*, had actually occurred. This message is dated the 6th December, 1806, and from it the following extracts are made. "A convention was accordingly entered into between our minister of Madrid and the minister of Spain for foreign affairs, by which it was agreed, that spoliations by Spanish subjects, in Spain, should be paid for by that nation; those committed by French subjects, and carried into Spanish ports, should remain for further discussion. Before this convention was returned to Spain with our ratification, the transfer of Louisiana by France took place, an event as unexpected as disagreeable to Spain. From that moment, she seemed to change her conduct and disposition towards us. It was first manifested by her protest against the right of France to alienate Louisiana to us; which was, however, soon retracted, and the right con-

firmed. (How?) Then, high offence was manifested at the act of Congress, establishing a collection district on the Mobile. She now refused to ratify the convention," &c.

The message goes on to say, that James Monroe was sent over, to settle boundaries. "Spain reserved herself for events." Monroe, after five months' labor, effected nothing; no indemnity for spoliations; no acknowledgment of limits beyond the Iberville; and that "*our line to the west was one which would have left us but a string of land on the Mississippi.*" Each party was thus left to pursue its own measures. Those, which they had chosen to pursue, "authorize the inference, that it is their intention to advance on our possessions, until met by an opposing force." "France took the ground, that they acquired no right beyond the Iberville, and meant to deliver us none beyond it." "The protection of our citizens, the *spirit* and *honor* of our country require, that force should be interposed *to a certain degree.*" "The course to be pursued will require the command of means, which it belongs to Congress exclusively to yield, or deny."

Thus we have Mr. Jefferson's own admission, that every evil which his political adversaries had foretold, had occurred, so far as they could occur, within the time between his purchase and the writing of his message. There was certainly "a speck of war;" how this was prevented from enlarging, will be seen by the application of *means*, which Congress could yield, or deny. What did Mr. Jefferson really mean by this message? Just what circumstances might make it best to have it mean.

It was no new thing for Mr. Jefferson to express himself so ambiguously as to meet any contingency that might arise. If Congress were willing to go to war, the message was adapted to that end; if Congress were willing to vote money, the message was adapted to that end. The latter was Mr. Jefferson's purpose. Astonishing as the fact may be, Congress did place *two millions* of dollars at the disposal of Mr. Jefferson, which sum was to be applied to settling the troubles with Spain. The money was not so applied; but it was actually sent to France, in the United States ship Hor-

net, for no other reason than that *France wanted money, and must have it;* and that there was no other way to avoid a war both with France and Spain!

The proof of these facts comes from no less a personage than *John Randolph,* who was then a Jeffersonian; but he was so disgusted with this double dealing, and so shocked at the degradation of the country, that he published a pamphlet signed *Decius,* in which he tells the truth as to this transaction. If it be asked, how this is known to have been John Randolph's work, the answer is, that it was ascribed to him at the time, and not denied; that the internal evidence is irresistible, as it states facts which no one but John Randolph, the President, Mr. Madison, (then Secretary of State,) and Mr. Gallatin, (then Secretary of the Treasury,) could have known; and lastly, the narration in this pamphlet accords with facts publicly known. From this pamphlet the following extracts are made.

Mr. Randolph was chairman of the committee, to whom this message was referred. He says in his pamphlet:—"The chairman of the committee, to whom the confidential message was referred, immediately waited on the President, and informed him of the direction which had been given to it. He then learned, not without surprise, that an appropriation of two millions was wanted to purchase Florida. He told the President that he would never agree to such a measure, because the money had not been asked for in the message; that he would not consent to shift to his own shoulders, or those of the House, the proper responsibility of the Executive; if the money had been explicitly demanded, he should have been averse to granting it, because, after a total failure of every attempt at negotiation, such a step would disgrace us for ever; because France would never withhold her ill offices, when, by their interposition, she could extort money from us; that it was equally to the interest of the United States, to accommodate the matter by an exchange of territory; (to this mode of settlement the President seemed much opposed;) that the nations of Europe, like the Barbary powers, would hereafter

refuse to look on the credentials of our ministers, without a previous *douceur*, and much more to the same purpose."

"The committee met on the 7th of December. One of its members, (Bidwell, of Massachusetts,) *construed* the message into a requisition of money for *foreign intercourse*, and proposed a grant to that effect; this was overruled. He himself, when the subject was agitated in the House, would not avow the same construction of the message, which he had given in committee. On the 14th of December, the chairman was obliged to go to Baltimore, and did not return till the 21st. During this interval, the dispatches from Mr. Monroe, of the 18th and 25th of October, were received by government. Previous to the chairman's departure, having occasion to call on the Secretary of State, (Madison,) he was told by that officer, *that France would not permit Spain to adjust her differences with us; that France wanted money, and that we must give it to her, or have a Spanish and French war!*"

Mr. Randolph returned from Baltimore on the 21st and convened the committee. As they were assembling, he goes on to say, "the Secretary of the Treasury, (Mr. Gallatin,) called him aside, and put into his hands a paper headed 'Provision for the purchase of Florida.' The chairman declared he would not vote a shilling; he expressed himself disgusted with the whole of this procedure, which he could not but consider as highly disingenuous; that the most scrupulous care had been taken to cover the reputation of the administration, while Congress were expected to act as though they had no character to lose; that whilst the official language of the Executive was consistent and dignified, (quoting the words of the message,) Congress was *privately* required to take upon itself the odium of shrinking from the national honor, and national defence, and of delivering the public purse to the first cut-throat that demanded it. From the official communications —from the face of the record it would appear, that the Executive had discharged his duty, in recommending manly and vigorous measures, which he had been obliged to abandon—and had been

compelled *by Congress*, to pursue an opposite course, when, in fact, Congress had been acting, all the while, at Executive instigation. The chairman further observed, that he did not understand this *double* set of opinions and principles; the one *ostensible*, to go upon the journals and before the *public;* the other, the *efficient* and real motives to action; that he held true wisdom and cunning to be utterly incompatible in the conduct of great affairs: that he had strong objections to the measure itself, but in the shape in which it was presented, his repugnance to it was insuperable. In a subsequent conversation with the President himself, in which those objections were recapitulated, he declared that he too had a character to support and principles to maintain, and avowed his determined opposition to the whole scheme."

Mr. Randolph proceeds to state, that a proposition, the avowed object of which was, to enable the President to open a negotiation for Florida, now came upon the table. Mr. Randolph moved that the sum to be appropriated should be confined to that object, which was agreed upon. But afterwards, when the bill was formally brought in, this specific appropriation was rescinded by the House, and the money left at the entire discretion of the Executive, to apply to any extraordinary purpose of foreign intercourse whatever. To use his own words:

"Mr. J. Randolph also moved, to limit the amount which the government might stipulate to pay for the territory in question; upon the ground that, if Congress were disposed to acquire Florida by purchase, they should fix the extent to which they were willing to go, and thereby furnish our ministers with a safeguard against the rapacity of France; that there was no probability of our obtaining the country for less, but every reason to believe that, without such a precaution on our part, she would extort more. This motion was overruled. When the bill came under discussion, various objections were urged against it by the same gentleman: Among others, that it was in direct opposition to the views of the Executive, as expressed in the President's official communication, [it was on this occasion that General Varnum declared

the measure to be consonant to the secret wishes of the Executive ;] that it was a prostration of the national honor at the feet of our adversary; that a concession so humiliating would paralyze our efforts against Great Britain, in case the negotiation, then and now pending between that government and ours, should prove abortive; that a partial appropriation towards the purchase of Florida, without limiting the President to some specific amount, would give a previous sanction to any expense which he might incur for that object, and which Congress would stand pledged to make good; that if the Executive, acting entirely upon its own responsibility, and exercising its acknowledged constitutional powers, should negotiate for the purchase of Florida, the House of Representatives would, in that case, be left free to ratify or annul the contract; but, that the course which was proposed to be pursued, (and which eventually was pursued,) would reduce the discretion of the Legislature to a mere shadow; that at the ensuing session Congress would find itself, in relation to this subject, a deliberative body but in *name;* that it could not, without a manifest dereliction of its own principles, and, perhaps, without a violation of public faith, refuse to sanction any treaty entered into by the Executive, under the auspices of the Legislature, and with powers so unlimited; that however great his confidence in the Chief Magistrate, he would never consent to give any President so dangerous a proof of it; and that he would never preclude himself by any previous sanction, from the unbiased exercise of his judgment on measures which were thereafter to come before him; that the House had no official recommendation for the step which they proposed to take; on the contrary, it was in direct opposition to the sentiments, as expressed in the confidential message; and that the responsibility would be exclusively their own; that if he thought proper to ask for an appropriation for the object, (the purchase of Florida,) the responsibility of the measure would rest upon him; but when the Legislature undertook to prescribe the course which he should pursue, and which he had pledged himself to pursue, the case was entirely changed; that the House

could have no channel through which it could be made acquainted with the opinions of the Executive, but such as was official, responsible, and known to the constitution; and that it was a prostitution of its high and solemn functions, to act upon an unconstitutional suggestion of the private wishes of the Executive, irresponsibly announced, by an irresponsible individual, and in direct hostility to his avowed opinions."

After such a course of remarks, from a leading Jeffersonian, a Virginian, a man who called himself a genuine republican, what would one suppose to have been the fate, among the representatives of a free and enlightened people, of Mr. Jefferson's double-dealing proposition? A declaration of war against Spain? Not at all. This would have been an admission, that the man of the people could have made a blunder in disposing of fifteen millions of dollars of the people's money. What then? The Jeffersonian Randolph tells us,—"*The doors were closed, and the minority, whose motives were impeached, and whose motives were almost denounced, were voted down without debate.*"

The two millions of dollars were voted; they were placed at Mr. Jefferson's disposal without limit, or restriction. They went in the United States ship Hornet, in specie, to the coffers of Napoleon. Not a foot of territory was thereby acquired; if any thing, Napoleon was paid two millions for his kind interposition in preventing the people of the United States from knowing how far Mr. Jefferson had, or had not been "*honest, capable, and faithful to the constitution.*"

What were Mr. Jefferson's motives in this transaction? Was he moved by friendship for France? By the desire to strengthen France against England? By unwillingness to vindicate the honor and independence of the country against France? By the dread of showing, that the predictions of political adversaries had been verified? Was Mr. Jefferson willing to *give away* two millions of the people's money for all, or any of these reasons? However these questions may be answered is not, at this day, material, so that Mr. Jefferson's pretensions to the gratitude and

respect of his countrymen be placed on the proper footing. Future generations are to judge of Thomas Jefferson's fame, when the history of these times shall have been written, and to decide for themselves what Mr. Jefferson was, as an economist, as a statesman, as a friend to his country, and how he should rank as an honorable and an honest man. It makes no difference in forming such decision, that the unforeseen changes in European affairs made the purchase of Louisiana a fortunate measure for this country. The motives which *then* operated, and the acts *then* done, are the true and only materials from which that decision is to be formed. If Bonaparte had been successful; if Spain had not been distracted by civil commotions, what would Mr. Jefferson have acquired for his country, in exchange for his *fifteen* and his *two* millions of dollars? He certainly obtained nothing for the two millions sent to France. This latter was a mere donation, or rather tribute, and so it was considered at the time, even by John Randolph.

If Mr. Jefferson was that abhorrer of duplicity, which he assumes to be, he would have told Congress, that the purchase of Louisiana was involved in difficulties; that it would lead the country into a war with both France and Spain; that he found himself in a very serious dilemma; that Spain, by fraud and force, was completely under the control of Napoleon; that if Congress would please to vote him a couple of millions to *give* to Napoleon it would pacify him, and that he would keep Spain from showing her disgust and enmity; and finally, that he should still seem to his countrymen to be the wise, the great, and the good Mr. Jefferson! He knew his Congress and the power of party too well to find it necessary to disclose such truths. It is highly probable that Mr. Jefferson thought this management honest and proper, because it promoted the great objects of his policy—it helped France—it hurt England—it kept federalism *down* by keeping himself *up*.

LETTER LI.

October 25, 1333.

Let it not be forgotten that Mr. Jefferson began his presidency with the most gracious and conciliatory assurances, that we were all republicans, all federalists, and that universal peace and harmony were to prevail under his paternal auspices; nor forgotten—that before the first year had elapsed, he denounced, in his smooth and ambiguous phraseology, the whole tenor of federal administration, and disclosed the intention of annulling and reversing, to the extent of his power, all that had been done. He conducts the government for eight years, retires—devotes his remnant of days to the same course of denunciation of federalists and federalism—and leaves, as his bequest to his countrymen, his testimony of the worthlessness and wickedness of his political adversaries; and his assurances of his own honesty, ability, usefulness and patriotism. Has he not thus invited a comparison between himself, and those of his countrymen, whom he would transmit to posterity, as destitute of every good quality which he arrogates to himself?

There is no part of Mr. Jefferson's administration in which his honesty and ability can be better tested, than in the course of measures which led to the "long embargo," and by his perseverance in that extraordinary policy.

It may not be an easy matter to develop Mr. Jefferson's motives in this part of his political machinery. It is ever to be understood, that all Mr. Jefferson said and did had a double import; and that it is as difficult as painful, to seek out his real designs. In this matter of the embargo, it is unavoidable, in showing the truth, to recur to some previous circumstances.

The state of this country, as affected by the conduct of the belligerents, was, no doubt, exceedingly embarrassing. Mr. Jefferson assumes, that he conducted honestly and wisely throughout.

This is thought to be much otherwise, and this is the question to be tried.

The United States complained of England: *First.* That England interposed unjustly in the neutral commerce which the United States was authorized to carry on. This is a dry subject, and it would be uninteresting to go into details. *Secondly.* That the practice, adopted by England, of declaring ports, and even a whole coast, blockaded, when, in fact, no force was present to enforce the blockade, was unjust and oppressive to neutrals. *Thirdly.* The impressment of seamen from American vessels. This cause of complaint was much insisted on by Mr. Jefferson, who, nevertheless, cared very little about seamen or commerce, except for the revenue.

It should be remembered, that the conflict between France and England, was not one in which the parties had leisure to advert to the law of nations; nor to apply the principles which nations had respected in most of their wars. It was a conflict of destruction and extermination, in which England stood alone against the host of continental Europe.

Napoleon resolved that there should be no neutrals in that warfare. What would a patriotic and wise administration in this remote and neutral country have done under these circumstances? In 1806 Napoleon had pushed his conquests to the borders of Russia; he had converted Alexander from an enemy into an ally. Mr. Fox, the firm and undeviating friend of America, so far as he could be so consistently with duty to his own country, was at the head of the British ministry. England could never be in circumstances more favorable to an adjustment of all points in controversy. William Pinckney and James Monroe were plenipotentiaries in England. The treaty, made by Jay in 1794, had expired in 1804 by its own limitation. The United States had been prosperous under that treaty. Mr. Jefferson refused to extend or renew it.

Messrs. Pinckney and Monroe effected a treaty in 1806, on the first two points of difference, which they considered highly advantageous to this country. On the third, Mr. Jefferson required,

that the American flag should protect *all* who sailed under it, well knowing that England never could concede this, without abandoning her maritime force; and, while this point was a *sine qua non*, that no adjustment with England could be effected. Yet Pinckney and Monroe obtained assurances from the British ministry, though not in the form of a treaty, which they deemed satisfactory. The treaty was sent over, dated December 31, 1806. The Senate were in session when it was received, and because the British had not therein conceded, that all English, Irish and Scotchmen, and all deserters from the British navy should be protected by the American flag, Mr. Jefferson did not condescend to lay this instrument before the Senate, but took on himself to reject it and send it back.* Now, was this honest, or wise in Mr. Jefferson? Does it, or not show, that he was resolved, the parade of negotiation notwithstanding, to keep open the means of contention with Great Britain? And was not his motive, to contribute to the universal dominion of Napoleon in Europe, including prostrate England? And was it wise for a *republic* to extinguish, if it could, the only power that then stood between the hope of liberty and one universal despotism?

On the 21st of November, 1806, Napoleon, seated in the palace of the vanquished King of Prussia, at Berlin, issued his decree, by which he declared the British Isles in a state of blockade; and, consequently, that every American vessel going to, or coming from these Isles, was subject to capture. This decree appears to have slept for some months. The same decree provided, that all merchandize belonging to England, or coming from its manufactories or colonies, although belonging to neutrals, should be lawful prize *on land*. This provision was carried into effect. This was the phenomenon of a monarch, terrible, to be sure, on the land, but without commerce, and with an inferior and humbled marine

* Jefferson to Monroe, March 10, 1808, vol. iv., p. 107. "You complain of the manner in which the treaty was received. Two of the Senators inquired of me, whether it was my intention to detain them on account of the treaty. I answered it was not; and that I should not give them the trouble of deliberating on it."

force, announcing destruction to the trade of an insular people, whose territories he could not approach.

Mr. Armstrong, minister of the United States in France, inquired of Champagny, French minister of foreign relations, (September 24, 1807,) what construction was to be given to this decree of 21st November; and whether it would "infract" the treaty between the United States and France? Champagny answered (October 7, 1807) that "his majesty has considered every neutral vessel, going from English ports with cargoes of English merchandize, or of English origin, as lawfully seizable by French armed vessels." "The decree of blockade has now been issued eleven months. The principal powers of Europe, far from protesting against its provisions, have adopted them." (All these powers had either become vassals or obedient allies of his majesty.) "They have perceived, that its execution must be complete to render it more effectual; and it has seemed easy to reconcile the measure with the observance of treaties, especially at a time when the infractions, by England, of the rights of all maritime powers, render their interests common, and tend to unite them in support of the same cause."

The Berlin decree, then more than a year old; the inquiry of Mr. Armstrong, and the answer to it; and the *proclamation* of the British government, (cut from a newspaper,) recalling British seamen, and prohibiting them from serving foreign princes and states, dated October 16th, 1807, were all the documents sent to Congress, proposing an *unlimited* embargo. These showed "the great and unceasing dangers with which our vessels, *our* seamen, and merchandize were threatened on the high seas, and elsewhere, by the belligerent powers of Europe."

It is true, that one of the Senators from Massachusetts (whose conduct was afterwards publicly censured by resolves of the legislature, which induced him to resign), says in a public letter of 31st March, 1808, that the British orders (retaliating the Berlin decree), of 11th November, 1807, were not communicated to Congress with the President's message on the embargo, but that they

were published in the National Intelligencer on the 18th December, 1807, the day on which the embargo message was sent to Congress. It is unaccountable, that these orders were not communicated, if Mr. Jefferson knew of their existence. The newspaper was a sufficient authority for the proclamation, and must have been equally so for the orders. Can it be doubted, that the embargo was resolved on by Mr. Jefferson, before he knew of these orders? The Senator alluded to had, about this time, a most extraordinary illumination as to Mr. Jefferson's purity and intelligence; and an equally extraordinary perception of the worthlessness and wickedness of eminent men, with whom he had long thought and acted. The sudden confidence inspired by Mr. Jefferson led this Senator to say, in his place, on the embargo message: "*The President has recommended the measure on his high responsibility; I would not* CONSIDER; *I would not* DELIBERATE; *I would* ACT. *Doubtless the President possesses such further information as will justify the measure.*" Thus it would seem, that this Senator and a majority of both Houses, at the mere dictation of Mr. Jefferson, were ready, without any deliberation, to impose the greatest evil on this country, which could be imposed short of a ruinous and hopeless war.

No one who calmly considers this transaction can doubt, that it was conceived and executed for the purpose, and only purpose of enforcing, so far as this country could be useful to that end, the "continental system" of Napoleon.

Now, is Mr. Jefferson entitled to the gratitude and respect of his countrymen, for proposing and executing this political measure?

There are three views in which this subject is to be considered. First, as to France. The embargo was approved of by the government there, *as a measure against the common enemy.*

Assuming that the embargo was laid for the purpose of aiding the continental system, it appears, that it did little towards that purpose; and the whole evil fell upon American citizens. Mr. Armstrong writes from Paris, August 30th, 1808. "The em-

bargo is a measure calculated above any other to keep us whole, and keep us in peace; but *beyond this* you must not count upon it. Here it is not felt; and in England, (in the midst of the more interesting events of the day,) it is forgotten."

Secondly, as to England; it was an interdiction of all commercial intercourse. But the injurious consequences to that country were entirely miscalculated. England supplied herself with cotton from other sources. The whole of the bread stuff exported from the United States, was not more than one-twentieth of the annual consumption of England, and not one-half of this, probably, went to England. The West India Colonies turned their attention to their own resources. England found other markets for her products. If the embargo had continued as long as Mr. Jefferson intended it should, Europe would have forgotten that there was such a country on the globe as the United States.

Thirdly, the wisdom of this measure is to be tested by its effects within our own limits, and on the adjoining provinces of the English.

First, it was an execution, in effect, of the British proclamation of the 16th October, 1807, recalling seamen. Destitute of employment here, they found their way, through the British provinces, to their own country. It is not improbable, that many American sailors went in the same way into the British service, in preference to starving at home.

Secondly, the export and import business was carried on through the British provinces, greatly to their advantage, while the *coasting* trade of the United States was conducted in *wagons*. Flour could not be water-borne from the south, without an official permit, by some agent thereto authorized by Mr. Jefferson.

Thirdly, the attempts to evade the embargo led to vindictive prosecutions, to the multiplication of spies and informers, and to an exercise of a tyranny of officers, great and small, which would hardly have been endured in Algiers, or Constantinople.

Fourthly, the effect was *demoralizing*. Smuggling had hardly been known in these days; it now became common. It was not

thought to be morally wrong, to evade a law which all, but Jeffersonians, knew to be oppressive and ruinous; and which the best informed men declared to be unconstitutional. It brought the administration of justice into contempt. Jury trials, on embargo bonds, became a mockery.

A law so palpably against common sense, so oppressive and ruinous in its consequences, and which a maritime community might justifiably think ought to be evaded if it could be, called for further enforcing legislation, which resolved itself, in practice, into downright tyranny. After the evils of the embargo had been endured more than a year, and the public distress became insufferable, the remedy, invented by Mr. Jefferson and his advisers, was a new law, commonly called the *enforcing act.* This was passed on the 9th of January, 1809.

At the session of the Massachusetts legislature in this month, petitions came in from various quarters, beseeching legislative interference. The community were exasperated to the highest degree. The manner in which these petitions were acted upon, by a *federal* legislature, may be some answer to Mr. Jefferson's calumnies on this party; and some refutation to his often-repeated tale of a northern confederacy to sever the Union.

At this time (January, 1809) the alarming state of public affairs had called into the legislature of Massachusetts the ablest men n the state. Among them was the same Christopher Gore, whom Mr. Jefferson so pointedly mentions, as a monarchist and Anglo-man; and the same Harrison Gray Otis, whom he mentions in the same connection; and a majority of similar citizens in both branches.

The following words are extracted from a report, made on the petitions which the embargo laws caused to be presented:

The petitioners' complaints are, 1st. "The unnecessary, impolitic and unconstitutional interdiction of commerce, by the several acts of Congress, falsely called embargo laws. 2d. The apprehension that the nation is speedily to be plunged into a war with Great Britain; and consequently entangled in a fatal alliance with

France. 3. Some peculiarly oppressive and unjust provisions of the last embargo act, passed on the 9th of January, 1809."

This report deserves the diligent study of citizens of a free republic, because it shows how easily a popular President and an obedient Congress can establish an absolute despotism in the forms of law. If Congress had enacted, that Thomas Jefferson may lawfully do anything that he may choose to do, to annihilate commerce, and to strip every citizen of his last shilling, who does not submit to his will, it would not have been a more real despotism.

A Jeffersonian of some distinction, who was a member of the House at that time, but who has probably grown wiser since, exercised his patriotism by proposing a series of resolutions, one of which was in these words: "That in case it shall appear to Congress, that all fair attempts to remove said orders and decrees by negotiation shall have been exhausted, and they shall find it necessary to assume *any other attitude of resistance*, it will be the duty of the *whole* people of the Commonwealth of Massachusetts to rally round the standard of *their own nation* and its government, and to afford them their utmost support by all constitutional means in their power."

The *meaning* of the *mover*, both as to the nation in respect to whom an "attitude of resistance" was to be assumed; and to that *portion* of the whole people, who were called on for their *utmost support*, was in no respect equivocal. His resolutions were committed to five, of whom the mover was one, and Mr. Gore the chairman. The report drawn by Mr. Gore is one of the masterly efforts of that day, and the mover of the resolutions gave an opportunity to the *whole people* to read an exposition of the true character and conduct of our national managers; and also to know what sort of citizens Mr. Jefferson's "Anglomen and monarchists" were.

Thus it appears, that more than three years before the war actually came, it was *intended* by one party, *dreaded* by the other; and that nothing was waited for but the favorable moment, which

did not occur, as will hereafter be shown, until Napoleon was duly prepared for it.

The picture drawn by this report of the state of the country will be recognized as true and faithful by all who can remember these days. The following is an extract from it:

"In this condition of unexampled prosperity at home, peace and consideration abroad, our present rulers were called to the administration of public affairs; and what has been the fruit of their labors? Let the following facts answer:

"Our agriculture is discouraged.

"The fisheries abandoned.

"Navigation forbidden.

"Our commerce at home restrained, if not annihilated.

"Our commerce abroad cut off.

"Our navy sold, dismantled, or degraded to the service of cutters or gun-boats.

"The revenue extinguished.

"The course of justice interrupted.

"The military power exalted above the civil; and by setting up a standard of political faith unknown to the constitution, the nation is weakened by internal animosities and division, at the moment when it is unnecessarily and improvidently exposed to war with Great Britain, France, and Spain."

Such a report as this was a very sufficient reason with Mr. Jefferson, for regarding Mr. Gore as a "monarchist and Anglo-man."

LETTER LII.

November 6, 1833.

Caleb Strong was Governor of Massachusetts from May, 1800, to May, 1807. Under the influence of Mr. Jefferson, party con-

tentions had become excessively bitter. There was not only the common struggle for power, from which even absolute despotisms are not exempt, and which is inseparable from all elective governments, but the politics and contentions in Europe were artfully intermingled with all the elections which occurred in the United States. The daily journals not only discussed qualifications for office, but descended to personalities and calumnies, which might induce one to suppose, that the Americans had been astute in selecting the worst men of their nation for public trust. It is in such paper warfare as in that of physical force; "he is to be considered the author of the war, who causes the first blow to be struck."

At the election in 1807, the candidates for Governor were *Caleb Strong* and *James Sullivan;* the latter was chosen in a severely contested election. He was elected the next year, and continued in office till his decease, which happened on the 10th Dec. 1808. The following notice of him is taken from the *American Encyclopedia*. The biographical sketches of that work are attributed to *Mr. Robert Walsh.*

"James Sullivan,* brother of the foregoing," (John Sullivan, an officer of the revolutionary war, and afterwards Governor of New Hampshire,) "was born at Berwick, Maine, April 22, 1744. He was educated entirely by his father. The fracture of a limb in early life caused him to turn his attention to legal pursuits, instead of embracing the military career, for which he had been destined. After studying with his brother, General Sullivan, he was admitted to the bar, and soon rose to celebrity. He was appointed King's attorney for the district in which he resided; but the prospects of advancement, which he might reasonably have entertained, did not prevent him from taking an early and decided part on the side of his country, at the commencement of the revolutionary struggle. Being a member of the provincial Congress in 1775, he was intrusted, together with two other gentlemen, with a difficult commission to Ticonderoga, which

* Father of the author.

was executed in a very satisfactory manner. In the following year he was appointed a Judge of the Supreme Court. In 1779–80, he was a member of the Convention, which framed the constitution of the State. In February, 1782, he resigned his judgeship, and returned to the bar. In 1783 he was chosen member of Congress, and in the following year was one of the commissioners in settling the controversy between Massachusetts and New York, respecting their claims to the western lands. He was repeatedly elected representative of Boston, in the legislature. In 1787 he was member of the Executive Council and Judge of Probate for Suffolk; and in 1790 was appointed Attorney General, in which office he continued till June, 1807, when he was elevated to the chief magistracy of the Commonwealth. He was subsequently appointed by President Washington agent under the fifth article of the British treaty, for settling the boundaries between the United States and the British provinces.* He was a second time chosen Governor of the state; but soon after his health became enfeebled, and on the 10th of December, 1808, he died, in the 65th year of his age. Governor Sullivan was the projector of the Middlesex canal. Amidst his professional and political pursuits, he found time to prepare several works, mostly on legal and political subjects. One is a history of the District of Maine, which is a creditable monument of his industry and research."

On the decease of Governor Sullivan, executive power devolved on Lieutenant-Governor Levi Lincoln, (the same gentleman who was Attorney General of the United States in 1801,) who exercised this power until the next election. In his speech to the legislature at the January session, 1809, he noticed the event which had made it his duty to address that assembly. At this time the executive council was composed entirely of federalists, among whom was George Cabot. There were federal majorities

* There is an error here, as to the time of this appointment. It was in 1796, during Washington's second presidency, and continued two years.

in both branches of the legislature. The House, in its answer to the speech, say of the deceased chief magistrate:

"The affecting dispensation of Divine Providence, which has deprived this commonwealth of its commander-in-chief, cannot be more sincerely deplored by your honor, than it is sensibly felt by the House of Representatives. Elevated to the chair of state, in opposition to the political sentiments of a majority of the legislature, we are happy to declare, that the late Governor Sullivan, in the discharge of his high and important trust, appeared rather desirous to be the Governor of Massachusetts, than the leader of a party, or the vindictive champion of its cause."

It is not to be disputed, that Governor Sullivan was much dissatisfied with the course of policy adopted by the leaders of the party to which he belonged. He was so, especially, with the embargo, and with the measures pursued to enforce that system. It was the pleasure of Mr. Jefferson, that no citizen should import a barrel of flour from southern states, without having permission from an agent appointed by himself. Governor Sullivan was intrusted with granting such permissions for the whole state, under the belief that he would make party allegiance his rule in dispensing his favors. He gave permits to every one who asked for them, and Mr. Jefferson complains in one of his published letters to Lieutenant-Governor Lincoln, that permits were not given to those of the true faith only, but to everybody, and were openly sold in the southern markets. He soon declined the honor of being Mr. Jefferson's agent in this party monopoly.

Governor Sullivan had the disadvantage of an inferior education, and of being drawn into an active agency in public affairs at an early period of life. He was a man of extraordinary industry and energy, and did much to remedy the defects of early education by his own exertions. He lived in troublesome times, and when no man of any eminence could avoid being of some party, nor escape the feelings which such times necessarily excite. In private life he was social and hospitable. As a public man he

was diligent and ardent. He was a member of many societies, and president of several of them. Judging from the tenor of his life, one would think that no honors could compensate for the toils and anxieties of public station.

When Lieutenant-Governor Lincoln thus came to the exercise of executive power, the *long embargo* had been in operation more than twelve months. This magistrate shows himself, in the speech which he made at the opening of the session, heartily disposed to compensate the people of Massachusetts for the defect of loyalty to Mr. Jefferson, disclosed in the administration of the magistrate whose place he filled. There was a new call for his zeal in the abominable *enforcing* act (of the embargo), passed on the 9th of the same month of January.

His honor made a long and elaborate speech to a federal legislature, and seemed not to have been aware, that he laid himself open to be *answered* in a manner which became a yet free but indignant community.

There are two kinds of despotism: 1. That which one man may exercise, who has united in himself all the powers of government; 2. That which is exercised by a popular chief, in the name of *liberty* and the PEOPLE. The latter is by far the most terrible, because it implies that the physical strength, as well as the mere forms of law, is arranged to sustain it. It is the more dangerous, too, because those who exercise power under such despotism really believe, that they are performing their duties in counteracting the enemies of the republic. Although the clear tendency of Lieutenant-Governor Lincoln's measures, in sustaining Mr. Jefferson, deserved no better name than tyranny, since it was in effect to establish the power of one man, and to deprive free citizens of the right to discuss the measures of public agents, chosen by themselves and responsible to them, yet such a design is not to be attributed to him. He may be supposed to have considered himself to be doing what it was his duty to do, as a *republican* chief magistrate. Yet no one can read his speech to the legislature of Massachusetts, (January, 1809,) without perceiving that

the doctrines therein contained would, if carried but little further, have submitted the United States to the mere will of Thomas Jefferson and his adherents. His honor very plainly intimates his own belief to be in perfect conformity with that conviction which Mr. Jefferson's fourth volume discloses, viz., That Massachusetts was the hotbed of disaffection, disunion, and traitorous designs. His honor spoke to men who understood him, and who felt indignant at his insinuations. They should rather have felt sorrow and compassion for the delusions of party, while they repelled (as the following extracts from their answers will show they did), his honor's unfounded suggestions.

The Senate (among other things) said: "We are happy to accord with you, '*that our enemies alone could have represented the New England states, as prepared for opposition to the authority of the law, and ripening for a secession from the Union.*'* The people of New England perfectly understand the distinction between the *constitution* and the *administration.* An administration may become corrupt, but the people will remain pure. Who shall decide when the public functionaries abuse their trust? The 'meetings,' to which you allude, have been attended by men second to none in the United States, for their legal and political knowledge, for their love of order, and for their patriotism. Can such assemblies of citizens merit censure in a republican government? Can it be necessary to remind your honor, that the administration of Washington produced precisely the reverse of the picture, which you have drawn so much to the life? '*Whence then the causes of distrust, jealousy, altercations, and bitter aspersions*' upon that great and good man, and upon all who were attached to his measures? '*Whence the ever to be regretted indiscretions, suddenness, and individual rashness, which denounced*' an administration, that safely guided the people to prosperity and glory, amidst great and impending dangers? We have seen as little of the *spirit* as of *policy*, in the embargo system. We know that the Emperor

* Words in italics, quoted from the lieutenant-governor's speech, and by him applied to Jefferson's administration.

approves, if he did not dictate the measure. We know that Great Britain receives immense advantage from the surrender to her of the whole trade of the world; and we cannot imagine why the people should be called on to endure 'privations,' unless the administration, having failed to operate on the fears, or interests of the 'warning powers,' expect, ere long, to obtain relief from their compassion."

The House of Representatives, (among other things,) answered: "The legislature and people of Massachusetts now are, and have ever been firmly and sincerely attached to the union of the states; and there is no sacrifice they have not been, and are not now willing to submit to, in order to preserve the same according to its original purpose. Of this truth your honor must be convinced. We do not appeal to the unvarying conduct of our citizens during the glorious administrations of Washington and Adams, when the patriotic endeavors of our statesmen, under the most perplexing embarrassments, pursued and secured the interests and honor of the nation. But we can appeal to the patience with which our citizens have borne the administration of those, whose boast it has been to proscribe all the measures of their predecessors, and most of the men whose talents and virtues had assisted in securing to the United States the blessings of a free government. It ought not to be a matter of surprise that men, who, either on the floor of Congress, or elsewhere, *have adopted measures hostile to the Union*, and subversive of its principles, should endeavor to brand with the calumny *you mention*, the efforts of those who sincerely aim at preserving the constitution, by demonstrating the tendency of *their acts;* and who studiously exert themselves to *prevent* a dissolution of the federal compact, by stating the dangers of such an event. We cannot agree with your honor, that in a free country there is any stage at which the *constitutionality* of an act may be no longer open to discussion and debate; at least, it is only on the high road to *despotism*, that such stages can be found. Were it true, that the measures of government, once passed into an act, the constitutionality of that act is stamped

with the seal of infallibility, and is no longer a subject for the deliberation, or remonstrance of the citizen, to what monstrous lengths might not an administration carry its power! It has only to pass through rapid readings and midnight sessions, without allowing time for reflection or debate, to the final enactment of a bill, and even before the people are informed of the intentions of their rulers; and then *their chains are riveted, and the right of complaint denied them.*"

It may be inferred, from these extracts, what the character and tendency of the *republican* lieutenant-governor's speech was; and with what constitutional and honorable spirit it was met by the true friends of the national union. The long answer of the House of Representatives is full of *real* republican principles; such principles as must govern in this land, or the doctrines of the lieutenant-governor must be admitted, namely, that the administration is *everything;* and their electors *nothing*.

These events occurred about twenty-four years ago. It was then the Jeffersonian creed, that the executive and legislative, *united*, were supreme; do what they might, the people must submit. This was received by FREEMEN with indignation, and the tyrants retraced their steps. But now, in 1834, we have made an astonishing advance! ONE *man* has dared to do, in the character of President of a free republic, what no monarchy in all Europe, crowned in right of hereditary succession, would venture to propose; and a majority of the House of Representatives look on and applaud!

While Lieutenant Governor Lincoln was at the head of the Commonwealth, he had not only the difficult duty of vindicating Mr. Jefferson's measures generally, but the highly responsible and special one of doing *his will* under the enforcing act. He took an extraordinary course to effect this object. The Governor, as commander-in-chief, issues, according to military propriety, his orders through the adjutant-general to the major-generals of divisions, and requires of them to detach such force as occasions call for. Such chief cannot be supposed to know, officially, that

there can be any difference of opinion among those who bear arms, and are subject to orders of superiors. All are equally bound to render any legal service which is required. But his honor dispensed with all such forms, and took the unprecedented course of writing to such subaltern officers as he, in some way, had found out to be good sound Jeffersonians, and passed by all superiors, whom he, in some way, knew, or suspected to be of a different order. His circular, on this occasion, is worth transcribing, as a curious instance of what a genuine republican chief magistrate may sometimes think to be his duty.

"The President of the United States has directed the Secretary of War to request me to appoint some officer of the militia, *of known respect for the laws*, in, or near each port of entry in this state, with orders, *when applied to by the Collector of the District*, to assemble a sufficient force of his militia, and to employ them *efficaciously*, to maintain the authority of the laws respecting the embargo. *The President is peculiarly anxious, that the officers selected should be such, who can be best confided in to exercise so serious a power.* Recollecting, that in the happy government established by the American people, the character of the citizen is not lost in that of the soldier, and that coolness, prompt obedience, and a sacred regard to the rights of society and individuals are essential to both, *you will duly appreciate this opportunity of serving your country, and of even increasing the confidence she has placed in you.*"

This service was *force* by one class of citizens, distinguished by a political creed and by subserviency to Thomas Jefferson's will, against another class who considered him as depriving them of rights guaranteed by the constitution, with no other motive than to aid Napoleon to enforce his continental system. The House of Representatives very properly inquired into this alarming use of power;—and resolved, *that these orders were irregular, illegal, and inconsistent with the principles of the constitution; tending to the destruction of military discipline; an infringement of the rights and derogatory to the honor of both officers and sol-*

diers; subversive of the militia system, and highly dangerous to the liberties of the people.

The legality of this measure and its effect can best be comprehended, by imagining *selected* bodies of militia to be placed at the disposal of President Jackson's collectors of ports; and by imagining, that these bodies might be called into action against the citizens, whenever these collectors might be of opinion, that their agency was necessary in maintaining the majesty of the President's will!

LETTER LIII.

November 10, 1833.

The experience hitherto had under our republican institutions clearly shows, that the only possible mode of preserving these institutions is to awaken the whole community to the progress of usurpation, and to rely on the people to save themselves. The Jeffersonian delusion had taken such absolute control over the reason of a majority of the nation, that there was no hope of dispelling it. But this was otherwise in some of the states, and so proved to be in Massachusetts. The effect of the embargo and the tyrannical measures adopted to enforce it, the poverty and distress which were daily increasing, compelled the citizens to investigate *causes*, and to think for themselves. They were able to distinguish between the *real* friends and supporters of constitutional policy, and those who *pretended* to be such.

In April, 1809, Christopher Gore was supported by the federalists for the office of governor, and was elected. He is the same citizen who is mentioned in Mr. Jefferson's fourth volume, as one of the most eminent of the monarchists and Anglomen. The people of Massachusetts, among whom he may be presumed

to have been better known than he could have been to Mr. Jefferson, did not so regard him. Whether Mr. Jefferson was right, or whether Mr. Gore was a political hypocrite, may depend, in part, on the impression which the following extract from his speech to the legislature may make. It was delivered on the 7th of June, 1809.

"Educated at a time when the principles of civil liberty were investigated and discussed by the sages and heroes who conceived and accomplished our glorious revolution, my strongest and earliest impressions were in favor of that well-regulated freedom, which is secured by our excellent constitution. An absence of eight years in the service of our common country, by the opportunity it afforded of remarking the circumstances of other nations, served to confirm, and, if possible, to increase the respect and reverence I had previously imbibed for the civil and religious institutions of my native state. A comparison of our condition with that of any other people, must convince every one of the enviable situation in which we are placed, and of the superior means afforded to us, for enjoying all the blessings of which social life is capable.

"To adopt a rule, that no man is to be selected for office, unless he be of the particular sect or party of those who administer the government, or subscribe to their political creed, is to establish a principle, not only not recognized by, but directly repugnant to the constitution. It is, moreover, highly unjust to the people, as it narrows the choice for office, and may frequently exclude from their service the purest integrity, the highest capabilities, and the best dispositions. It is considering government as instituted, not for the *common good*, but for the exclusive advantage of an association or party of men.

"The history of the United States, and of this state, has ever shown Massachusetts submitting with cheerfulness to the most important sacrifices, for supporting the common cause and general interests of the Union; and this without the smallest disposition to dictate to the other members of the confederacy. Un-

der the distressing circumstances of the last year, the legislature did what duty rendered indispensable, and surely they did no more."

Extract from the answer of the House of Representatives.

"We feel sincere pleasure in the assurance of the observance, on the part of your Excellency, of those great fundamental principles of the constitution, and of all republican governments, which ought never to have been denied in argument, nor violated in practice. We rejoice in a recurrence to the first principles of the social compact; that all power resides in the whole people; that government is instituted for their 'protection, safety, prosperity, and happiness,' and 'not for the profit, honor, or private interest of any one man, family, or class of men;' in short, that offices of honor or emolument are not intended to strengthen the hands of party, but to promote the public good. They ought not to be bestowed as *bribes*, to induce or reward political fidelity or apostacy; but to place the public interest in the charge of men, whose principles and feelings secure *their interest* in its support."

In this political year, commencing the last Wednesday in May, 1809, among the names which appear in the executive and legislative departments, are the following:

Christopher Gore, Governor; David Cobb, Lieutenant Governor; Edward H. Robbins, Artemas Ward, Thomas Dwight, Ephraim Spooner, Prentiss Mellen, Oliver Fiske, Nathaniel Dummer, William Prescott, Daniel Dewey, members of the Executive Council.

Harrison Gray Otis, President of the Senate, William Spooner, John Phillips, Peter C. Brooks, John Welles, Suffolk Senators; and a majority in that branch, of men of like character.

Timothy Bigelow, Speaker of the House. Among the members who represented Boston, were William Brown, William Phillips, Daniel Sargent, Benjamin Russell, John Parker, Joseph Head, Charles Jackson, William H. Sumner, Daniel Massenger, Warren Dutton, John T. Apthorp, and twenty-six others of like

character and of various vocations; and a majority of men of like standing in the House.

It was at this time, that Mr. J. Q. Adams *imagined*, that a dangerous conspiracy was going on to sever the Union, and establish a northern confederacy. As these citizens who have been mentioned, and many others of like character and condition, were those who directed the tone of public sentiment at that time, certainly Mr. Adams would find some of his disunionists and conspirators among those who have been named.* It belongs to him to point them out, and to compare the opinions, by them publicly expressed, with any other opinions which he *knows* them to have expressed or entertained.

Those of the seat of government have been mentioned rather than others from other parts of the state, because it appears, that Mr. Madison particularly alludes to this "seat of government" as the seat of *conspiracy*.

Of those who have been mentioned as members of the executive or legislative branches, Mr. Gore and Mr. Otis will be elsewhere mentioned. There are others whom it may be proper to notice more particularly here. *General Cobb*, who was Lieutenant-Governor, had been a member of General Washington's military family during most of the war. He was a physician; and after the peace he resumed his practice at Taunton, and was Chief Justice of the Court of Common Pleas. In the times when the insurrectionary spirit displayed itself in his county, he was major-general of the militia as well as chief justice of the court. He

* There is one man, but lately deceased, who has done more good to the American nation, than some who have called forth extravagant eulogies, or than one man, who has been figured in bronze and marble. A sensible, well-informed, diligent editor has a powerful influence on public opinion. *Benjamin Russell*, editor of the Centinel for nearly half a century, was not surpassed, if equalled, by any man in that vocation, since the revolutionary war. He was the best commentator on the belligerent events of Europe that there then was in the United States. He was well versed in the character of men, and in the bearing of party policy at home. His long-continued paper is an historical treasure. *Benjamin Russell deserves well of his country.*

left the bench to exercise his military command; and declared, that "he would sit as a judge, or die as a general."

General Cobb was a man of middle stature and of full person; his face was large, and expressive of a manly and resolute heart. He was frank, sincere, and honorable; and expressed his opinions without reserve; and, thinking as he did of the opponents of Washington and of the friends of Jefferson, he sometimes gave opportunity to his political adversaries to quote his sayings to their advantage. But a more pure, kind-hearted, honorable gentleman than General Cobb never lived. He was full of good social feeling, and was welcome and gratefully received in the circles, where the rational enjoyment of whatsoever is pleasant to the senses, derives a value from the interchange of intellectual sympathy. He prolonged his life by a course of remarkable abstinence, after having been the delight of social circles for no small portion of his days. He was a true Washington-man in all his political feelings, and saw, with sincere regret, the decline and probable extinction of the true principles of republicanism, which he had devoted the meridian of his life to secure and preserve.

Timothy Bigelow, for a series of years Speaker of the House, was a lawyer of eminence in the county of Middlesex. Perhaps no man has spoken to so many juries as Mr. Bigelow. He was most faithfully devoted to the cause of the revolution. His earliest impressions were associated with the great contest for liberty. He used to speak with enthusiasm of the national constitution and of the Union, as consequences of success. He was a kind-hearted, friendly man, and had many affectionate friends. He was distinguished as a man of taste; towards the close of his life he took great delight in horticultural employments, and may claim with others the merit of exciting the demand for this gratification, which has now attained an eminence, associated no less with science than with pleasure. Mr. Bigelow was a tall man, well formed, and of courteous manners. He had the *narrative* gift in

an eminent degree; which, among other qualities, made society with him exceedingly grateful.

To one who looks back on what the social world was, it seems as though money-making and selfishness had frozen the currents of the heart. That frank, friendly, social, hospitable intercourse, which was once the delight of this land, is gone, (it is feared,) for ever; and the cold, calculating spirit of accumulation, or the worthless emulation of show and splendor, has succeeded.

Among those who have been mentioned as participating in the government of 1809, there are some yet alive. It would be grateful to speak of them as they should be spoken of, as well as of some, who are not here to see the withering of the hopes which they delighted to cherish. In the first case, there is the risk of offending men who are not solicitous of the world's notice; and in the second, the field is unlimited, and there must be a stopping-place somewhere.

It might have been supposed, that intelligent and far-sighted merchants would have been better judges of their own interests, than *southern* planters, or than lawyers, or cultivators from the new regions of the *west*. Good or bad judges, they condemned, almost with unanimity, the policy of Jefferson and Madison. Those, who had the most to lose, or to gain in commercial enterprises, were the most decided in their condemnation. Few of the eminent merchants of those days are here to lament similar grievances and follies of the present day. Among those who are no longer among us, and who might be distinguished as intelligent and accomplished men of business, were *James Perkins* and *Thomas C. Amory*.* The former and his partner, *Thomas H.*

* It cannot be unacceptable to any one who knew *Thomas C. Amory*, to offer a passing tribute to his memory. He died in November, 1812, at the age of 44. He was a tall man, of amiable and intelligent countenance, of frank and courteous manners, of clear, sound judgment, and executive capacity. Such qualities may not distinguish him from some others; but he had qualities, which if they did not so distinguish him, placed him high among those who are so fortunate as to have the like ones. He had as kind and friendly a heart as ever beat in human bosom. He was considerate of others; the friend and the visitor of the sorrowful and un-

Perkins, were the first Canton merchants in the world. Thomas C. Amory was extensively engaged in very varied commerce on the ocean. To these might be added hundreds of others, who were large ship-owners. None of these could discern anything in the commercial measures of the administration, but defeat of their plans and ruin to their prospects.

There can be little doubt, that the care and solicitude concerning ships, merchandise and seamen, manifested by Jefferson and Madison, were mere pretences. Neither of these gentlemen differed in opinion from Napoleon on such subjects; and he fully accorded with the Romans, (as shown by Cicero,) in placing *merchants* among the lower orders of society. These friends of liberty seem not to have known, that commerce and liberty are twin sisters; that *merchants* have been the true patrons of the arts, of science and literature; the munificent supporters of public and charitable institutions; the ornament of social life. Even in our own little community, how many instances are fresh in memory of noble liberality among merchants? In the same street are seen two spacious buildings, formerly the dwelling-places of two brothers, one of them the gift of one of these brothers to the Athenæum,* the other, the gift of the other brother, as an asylum for the blind;† gifts, not postponed to the time when the owner and his property must part for ever, but while the donors were in full life. To commerce also are we indebted for one of the most valued charities in the nation. A *merchant* bequeathed an hundred thousand dollars to the Lunatic Hospital.‡ These are the fruits of that commercial dealing which Jefferson and Madison heartily despised. There will be found, in a subsequent page, some notice of Jefferson's opinions on merchants; and no difference is known between his opinions and those of Madison.

fortunate; and of noble generosity. He was eminently hospitable, and one of the most acceptable companions that ever adorned a social circle. His death, in the zenith of manhood, was a mournful bereavement. At this long distance from that event, survivors remember him with a freshness of feeling and interest, which makes it seem as the loss of yesterday.

* James Perkins. † Thomas Handasyde Perkins. ‡ John McLean.

The embargo having been removed, and the busy citizens of Massachusetts having engaged in their accustomed vocations; and thinking more of these than of political dangers and duties, an opportunity again occurred for the *friends of the people* to take a majority into their custody. Elbridge Gerry was by them nominated against Governor Gore, and was the successful candidate. He was the chief magistrate from May, 1810, to May, 1812. As there is nothing to be said of his administration which one could take pleasure in saying, so the pain of speaking of it as it may have deserved may be avoided. When the time comes for writing the sober History of Massachusetts, the historian will find abundant materials for his work in these two years; and the exercise of party power in *districting* the commonwealth for the choice of senators, is particularly commended to his notice. He will find the language enriched by a new term, (Gerrymandering,) which may often find a suitable application, when the origin of it may have been forgotten. He may find it in the patriotic labors of the two years in which Mr. Gerry was Governor of Massachusetts.

The dark and mysterious administration of Mr. Madison, the able and enlightened discussions of the press, the exercise of power in Governor Gerry's time, the apprehension of war with Great Britain, and of alliance with France, again called the attention of our community from their private affairs to the duties of citizens. It was a relief and gratification, hardly to be described, to one portion of the people of this state, that they were to have, at the head of the Commonwealth, the calm, steady, constitutional republican *Caleb Strong*, in the trying times that were expected, and not *Elbridge Gerry*. If this change had not occurred, the condition of Massachusetts and of its militia cannot be contemplated without dismay. There must have been a civil war, or the militia would have gone to lay their bones in Canada, in the fruitless, hopeless attempt to conquer that country; while the seaboard would have remained subject to all the miseries which a vindictive foe could inflict.

LETTER LIV.

November 16, 1833.

Mr. Jefferson's political life and his embargo system terminated about the same time, the former on the fourth, the latter on the fifteenth of March, 1809. The American people resumed their industry as well as they could, under the remaining embarrassments of non-intercourse with England, which was a serious one, and with France, which was believed to be a mere show of impartiality, and of little real importance. Mr. Jefferson retired to Monticello. In what manner Mr. Jefferson disposed of himself, during the seventeen years through which his life was prolonged, he has permitted the world to know from his volumes. With the help of these it may be proper to inquire into his real motives for proposing and insisting on the continuance of the embargo, because in the sweeping demand of his idolizers for gratitude and admiration, this measure makes a prominent figure in the acts on which that demand must be founded.

The declared motive for this measure, (unprecedented anywhere in the world, unless in China,) as expressed in the message proposing it, was to protect "our vessels, our seamen and merchandise from the belligerents." No one can know the real motive of Mr. Jefferson so well as himself; and he says, that the motive assigned in his message *was not the real one.*

On the 25th of December, 1825, he wrote a letter to his faithful friend, William B. Giles, (vol. iv. p. 519,) in which he gives an account of an interview with Mr. John Quincy Adams. He therein sets forth, that Mr. Adams "spoke of the dissatisfaction of the Eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted to rid themselves of it: that he had information, of the most unquestionable cer-

tainty, that certain citizens of the Eastern states, (I think he named Massachusetts particularly,) were in negotiation with agents of the British government, the object of which was an agreement, that New England should take no farther part in the war then going on," &c. [Mr. Jefferson then goes on about the *war*, which had not yet happened; and perhaps alludes to some other *patriotic* communication of Mr. Adams about his fellow-citizens of Massachusetts.] "I expressed," (says Mr. Jefferson,) "a just sense of the merit of this information, and of the importance of this disclosure to the safety, and even the salvation of our country; and, however reluctant I was to abandon the measure, (a measure, which, persevered in *a little longer*, we had subsequent and satisfactory assurance, would have effected its object completely,) from that moment, and influenced by that information, I saw the necessity of abandoning it; *and instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the Union.*"

What was the object to be completely effected? Certainly not the preservation of vessels, seamen and merchandise, for that was effected when the embargo was imposed. Was it to compel England to renounce her blockades, and to cease to violate our neutral rights? These objects were obtained by the treaty of 1806, which Mr. Jefferson rejected. Was it to prevent impressment? How would the continuance of the embargo "a little longer" have effected that object? This matter had been arranged with Pinckney and Monroe, in London, to their satisfaction, but not to that of Mr. Jefferson. There is some ground to believe, then, that Mr. Jefferson confesses he *misrepresented* his motive in proposing the embargo to Congress, in December, 1807; and that he admits the embargo to have been a hostile measure to England; or, in other words, a part of the continental system. The sum of Mr. Jefferson's political wisdom in this matter comes to this: He was willing to impose an annual loss of *fifty millions* on his own countrymen, and enforce his system of restriction at the point of the bayonet, to aid Napoleon in humbling England. This

it would doubtless have pleased him to do, even at that cost, with all its consequences. It is surprising, that this wise statesman was the last man in the nation to perceive, that his costly, oppressive and ruinous measure had no tendency to effect his object.

In another part of the same volume, (iv. p. 125,) Mr. Jefferson gives a different version of his embargo policy, in a letter to Dupont de Nemours. He therein contradicts his resolution formed on Mr. Adams' statement of the restlessness and plots of the East and North. He says: "The edicts of the two belligerents, forbidding us to be seen on the ocean, we met by an embargo. This gave us time to call home our seamen, ships and property; to levy men, and put our seaports into a certain state of defence," (by building gun-boats?) "We have now taken off the embargo, except as to France and England and their territories, because *fifty millions of exports annually sacrificed* are the treble of what war would cost us; besides, that by war we should gain something, and lose less than at present."

It requires all Mr. Jefferson's ingenuity to reconcile this with his remarks found in vol. iv., p. 148, in a letter to General Dearborn, and also with his opinion on Mr. Adams' disclosures: "The federalists, during their short-lived ascendency, have, nevertheless, by forcing us from the embargo, inflicted a wound on our *interests*, which can never be cured; and on *our affections*, which will require time to cicatrize. I ascribe all this to one pseudo-republican STORY. He came on, and staid only a few days; long enough, however, to get complete hold of *Bacon*,* who giving in to his representations, became panic-struck, and communicated his panic to his colleagues; and they to a majority of the *sound* members of Congress."

The comparison of these various accounts of the matter leaves one in no doubt, that Mr. Jefferson really intended to promote the views of Napoleon by the embargo, and that the "preservation," set forth in his message, was only the mask of the true purpose.

* A member of the House of Representatives from Massachusetts

By keeping the vessels of the United States at home, he prevented the products of the United States from reaching England, and the products of England from coming to the United States. This was one step beyond Napoleon. It looks as though Mr. Jefferson had, in this matter, suggested what was false, and suppressed what was true. But then it should be remembered, that he thought it was *right* to do so. That is, it was *right*, by any means, and at any cost and oppression to his own countrymen, to strengthen France in her war of destruction against England; and at the same time to break down monarchists and Anglomen. Nevertheless, on this "calm revisal," the embargo system is not a ground on which the admirers of Mr. Jefferson can safely rest his fame for wisdom and virtue, in days to come.

It may be asked, what a wise and honest President would have done in this state of the country? He would have waited for the result of the negotiations in England. When the treaty came, as it provided effectually for every subject of controversy but that of impressment; as there were assurances on that subject as satisfactory as can ever be expected from a maritime nation, he would have ratified the treaty. If he did not dare to recommend a defensive war against France, he would have left it to the good sense of merchants to regulate their own affairs, and to have taken their chance upon the ocean. The marine of France was little to be feared. Mercantile ingenuity would have discerned modes of profitable commerce; and the gain of successful enterprise would have far exceeded occasional loss. If Mr. Jefferson really intended to protect seamen, ships and commerce, he was not statesman enough to know how this could be effected. It is most consistent with his own declarations to believe, that these objects were sacrificed to promote his own purposes.

LETTER LV.

November 20, 1833.

Mr. Jefferson may be considered under two aspects: *First*, as a witness *against* a large portion of his fellow-citizens. *Secondly*, as a citizen and statesman, who confidently claims the respect and gratitude of his country and of posterity, for eminent public services; services which, he says, *no other man but himself could have performed*. Under the first aspect, he presents himself in a character which seriously affects the memory of the dead, the feelings of the living, the honor of his country, and the interests of mankind. If Mr. Jefferson is a *credible* witness, the men who conducted the American revolution, who founded the national government, and who administered our national affairs for the first twelve years, were the most unprincipled, profligate and wicked body of men who are known in history. They are worse than the Roman triumvirates and their associates, for these did not *conceal* their purposes, but did their work openly. If Mr. Jefferson is a credible witness, he casts a deep and discouraging shade on the hopes of mankind, that there are honor, intelligence and virtue enough in the world, to assert and maintain the right to rational self-government. In the second aspect: if Mr. Jefferson did not render such services to his country; if he rendered to it no service, which entitles his memory to respect and gratitude; if he misapplied his trust; if he established theories tending to destroy republican government; if he oppressed and afflicted his country more than any man who has lived in it; if he established a party dominion, unknown and repugnant to the constitution; if such dominion is seen to be here, as elsewhere in the history of nations, the precursor of popular despotism, and *that*, the precursor of military despotism, it is time that Mr. Jefferson's example and doctrines should be understood in this land;

it is time that dignified senators should cease to read his books, as an *authority* in their discussions.

There was no one among those whom Mr. Jefferson has spent so much time in defaming, who did not learn with regret, that the abstraction from his private affairs, his unavoidable expenditures, his liberal hospitality, and the general effect of his own policy, had imposed upon him, in the decline of life, some embarrassments.

Alive to this state of things, he sought relief, by suggesting the grant of an authority from the legislature of his native state, to sell his property by *lottery*. Congress had done for him a very liberal act in the purchase of his library, to replace that destroyed by the British, in *that* war which Mr. Jefferson could have easily prevented, but did not. To induce the legislature so to interpose, Mr. Jefferson made an elaborate disquisition on the policy of lotteries, which appears in his 4th volume, pages 428–438. Having established the *utility* and the *morality* of lotteries, he goes on to show the propriety of extending the benefit of such a measure to himself, on the ground of his *public services*. He sets forth what he had been, and what he had done. As to the services done to his native state as there enumerated; that is, in abolishing "hereditary and high-handed aristocracy," "the right of primogeniture" (in a community dependent on a peculiar sort of labor); attacking a "dominant religion;" in other words, taking from Episcopalian clergymen their parsonages and glebe lands; and his services as "governor," are all matters for the consideration alone of Virginians. To the same parties may be referred his foresight and good sense in the establishment of the University, in which, it is said, there is no provision for religious instruction. It is the present purpose to consider him only as a national citizen and ruler.

Mr. Jefferson refers to the address of the legislature of Virginia, on his retirement, in 1809, as illustrative of his merits. He adds: "There is one *service*, not therein specified, *the most important in its consequences of any transaction in any portion of my life;* to

wit, the head I *personally* made against the FEDERAL principles and proceedings, during the administration of Mr. *Adams*. Their usurpations and violations of the constitution, at that period, and their majorities in both Houses of Congress were so great, so decided, and so daring, that, after contesting their aggressions inch by inch, without being able in the least to check their career, the republican leaders thought it would be best for them to give up their useless efforts there; go home, and get into their respective legislatures, embody whatever resistance they could be formed into, and, if ineffectual, to perish there as in the last ditch. All, therefore, retired, leaving Mr. *Gallatin* alone in the House of Representatives, and MYSELF in the Senate, where I presided as Vice President. Remaining at our posts, and bidding defiance to the browbeatings and insults, by which they endeavored to drive US off also, we kept the mass of republicans in phalanx together, until the legislatures could be brought up to the charge; and nothing on earth is more certain, than that if I MYSELF, PARTICULARLY, placed by my office of Vice President at the head of the republicans, had given way and withdrawn from MY post, the republicans, throughout the Union, would have given up in despair, and the cause would have been lost for ever. By holding on, we obtained time for the legislatures to come up with their weight; and those of Virginia and Kentucky particularly; but more especially the former, by their celebrated resolutions, *saved the constitution at its last gasp*. No person, who was not a witness of the scenes of that gloomy period, can form any idea of the afflicting persecutions and personal indignities we had to brook. *They saved our country, however*. The spirits of the people were so much subdued and reduced to despair by the X Y Z imposture, and other stratagems and machinations, that they would have sunk into apathy and MONARCHY, as the only form of government which could maintain itself."

Certainly this great service well deserved not only a *lottery*, but a bronze statue, even if Mr. Jefferson had never laid and enforced an embargo, or built a gun-boat.

But this gentleman does himself injustice by commencing the detail of his services in demolishing the "hydra of federalism," (as he somewhere calls it,) with his patriotic valor, while in the chair of Vice President. He might consistently have ranged under the same head, his patronage of Freneau, Bache and Duane, (honorably mentioned in his volumes,) as his coadjutors in this service to his country. He might have mentioned his liberality to that "man of science," James Thompson Callender. Nor ought he to have disregarded the author of "The Age of Reason" and of the "Letter to Washington," to whom Mr. Jefferson paid the national compliment of offering him a passage from France in the Maryland sloop of war; and for whom he offers the "sincere prayer:" "May you long live to continue your useful labors, and to reap their reward in the thankfulness of nations." (Vol. iii., p. 459.) If these patriots had not aided Mr. Jefferson with their pens, it is really doubtful, whether Mr. Gallatin and "myself" could have been sufficiently strengthened to stand in the gap against browbeatings and indignities, until the constitution was rescued from the hands of its enemies.

As France and Jeffersonism on the one hand, and England and federalism on the other, constitute the two great parties, to uphold the one of which, and destroy the other, Mr. Jefferson toiled and devoted his patriotic life, he has done himself another injustice. He should have gone back to his report of December, 1793, made when he was Secretary of State, and which disclosed the true principles on which his own administration and that of Mr. Madison were founded. He should have taken to himself the merit of following this out during twenty years, through commercial restrictions, evasive and deceitful negotiations, gifts of millions to Napoleon, oppressive and tyrannical embargo, and, finally, WAR, unprepared for, costly and profitless.

Mr. Jefferson did himself still another injustice, (as he commences with his manhood,) in saying nothing of the declaration of independence. This was one of his proud achievements; and the *fac-simile* of it is appended to his fourth volume. This gen-

tleman's friends have treated this production, as though it were an *original invention;* the true corner-stone of the revolution laid by this great architect. One would not take from Mr. Jefferson any trophy wherewith he may think he ought to be adorned. The declaration is a writing highly honorable to him, the most so of any that came from his pen. It is a solemn and sacred writing, and privileged from all criticism. If his admirers had asked for him no other praise than this, it would have been improper to touch on this matter. But these admirers have referred to this authorship as proof, that Mr. Jefferson could not err as to the constitution, or in patriotism, or policy. Such a shield it ought not to be. This writing sets forth *why* a declaration should be made; next, a recognition, (not an *invention,*) of social and political principles; then a statement of British tyrannies; and then the inference, that the colonies have the right, and that it is their duty, to free themselves from the parent country. It concludes with a solemn pledge to maintain freedom and independence. Now it cannot be denied, that such were the sentiments which thousands of our countrymen entertained at that day. They had been again and again expressed in popular essays, in congressional speeches, and on so many occasions, that in June, 1776, there could be no NEW *thoughts.* Mr. Jefferson has the merit of having taken these thoughts, (as much his own as of hundreds of others, and no more,) and of having arranged them, and clothed them in suitable and expressive language. This is meritorious, and this country is grateful for the acceptable manner in which that work was done. But this is not a satisfactory reason, why Mr. Jefferson should be considered as having done *equally well,* all that he ever afterwards undertook to do. Let him have the full credit of that labor; and judge of him righteously as to all others.

Mr. Jefferson, with perfect consistency, does claim for himself respect and gratitude for establishing the doctrine of NULLIFICATION. He boasts, that he was the author of the *Kentucky* resolutions in 1798, and the promoter of like resolutions in *Virginia,* in the same year. These resolutions declared two laws of Congress

to be *null and void.* (Sedition and Alien.) Here is found (as admitted by Mr. J. C. Calhoun, in his publication of his "Sentiments," dated July 26, 1831), the real theory on which the state of South Carolina assumes to decide for itself, what laws of the Union it will obey, and which of them it will resist with *force* and *arms.* If Mr. Jefferson had done no other acts tending to *disunion* and *civil war*, his memory deserves any sentiment rather than that which he demands for himself of his countrymen.

LETTER LVI.

November 25, 1833.

Mr. Jefferson's volumes make known to any one who has the necessary patience to read them, that he entertained opinions on social and political relations, which are utterly adverse to those expressed and maintained by the wise and virtuous republicans of the last two centuries. His opinions are entitled to no earlier origin than the days of the French Revolution. What can be less worthy of an intelligent mind than his theories on the rights of successive generations? and of the incapacity of one generation to bind its followers by any obligation? What less acceptable to the lovers of order and social stability, than the periodical recurrence of rebellions? It is not surprising that one who entertained such opinions, should gravely assert, that when the constitutionality of a law is doubted, the whole nation must wait until a convention can be called by two-thirds of the states, to take the matter into consideration and decide upon it. (Vol. iv. p. 374.) Within a short time, a disciple of Mr. Jefferson has maintained the same doctrine in the Senate of the United States. In what

manner he was met and answered, (and with the general applause of the nation,) cannot be forgotten.

To the same source is to be traced the impracticable, not to say absurd notions on currency and banking, which some persons maintain at the present day; notions, proved by the experience of all commercial people, and by none more than our own, to be untenable and visionary. In truth, all the disorganizing and destructive "heresies," which certain politicians of the present times adhere to, are to be found in Mr. Jefferson's theories or practice. And yet this gentleman says, in obviating the objection of *precedent* in allowing to him a lottery: "Let those who shall quote the precedent bring their case within the same measure. Have they, as in this case, devoted threescore years and one of their lives to the service of their country? Has the share they have borne *in holding their new government to its genuine principles, been equally marked?*"

What pretension can Mr. Jefferson have to say that he did this? The original founders of this new government intended to bring, and did bring the people of the United States into a national Union: to secure to them the services of the most able and virtuous among them, in maintaining peace, commerce, and friendly intercourse with all nations; to prepare for defence against foreign insult and aggression, and to resist and resent, when national honor demanded that course; to promote internal commerce, and to keep the sovereign members of the Union in peace and amity with each other; to give to domestic ingenuity and enterprise their fair competition with other nations; to assuage and compromise the jealousies and differences, which might be expected, from the expanding and unfolding of the powers of a great and increasing people. This intention was fully accomplished—accomplished to the surprise and envy of the elder world; and if Thomas Jefferson had never lived, it is believed that this substantial and beautiful reality would not have been dissipated.

He came into this new government, and by *means* which he has fully disclosed; and there he ruled and reigned by the magic

of his PEN.* Passing over his disastrous policy with foreign nations; the oppressions, losses, and sufferings which he inflicted on his countrymen; grievous as these were, they are all nothing to that grievous wound which he gave to this "new government," and which seems likely to prove a mortal one.

Mr. Jefferson drew the line between rich and poor in a republic where family influence is unknown, where inheritance depends on equal distribution, where wealth depends on industry and talents, and where the poor man's son is far more likely to attain to office and honor than the sons of the rich. Mr. Jefferson organized the elements which make up that monster—PARTY; he invited apostacy; he established the odious doctrine of "rewards and punishments;" he made devotion to the MAN, not to the CONSTITUTION, the passport to office; he taught the "people," (as he calls them,) to sacrifice to personal feuds and jealousies, their respect for the institutions of their country. It was he who misled and debased the public mind, and who converted honorable and patriotic service in a free republic, into a low, selfish, and dishonest struggle for office. He led the way to popular despotism. The perils, sufferings, and dread of the present hour, are all from his impulse.

That which is most to be lamented in all this, is his *sincerity;* his real belief that all was *right;* that all he did was truly patriotic; and that he is richly entitled to his reward, in the respect and gratitude of all succeeding generations. That which is truly disheartening to the friends of the constitution, of the Union, and of rational republican liberty, is, that there are so many intelligent and respectable men in the United States, who con-

* This book, and the "History of the Hartford Convention," by Theodore Dwight, furnished a writer in the North American Review (No. 84, July, 1834), with an opportunity to give his views of "The old parties." It is a very remarkable production. It required an answer, and one appeared in a pamphlet of forty pages, on the first of September, at Boston. In this may be found some disquisition on the magic of Mr. Jefferson's pen; and some further development of his real character.

scientiously believe, to this day, in "the great and good" Mr. Jefferson. But his glories are fading in the brilliancy of the "GREATEST and BEST," the rightful successor in the line of which Jefferson was the FIRST.

LETTER LVII.

NOVEMBER 30, 1833.

MR. JEFFERSON found the United States, in 1801, at peace and in amity with all Europe; in the enjoyment of a secure and prosperous commerce; with a respectable navy; a sound credit; a learned and independent judiciary. He found, it is true, some increase of debt for money honorably and profitably expended, but which was insignificant and hardly to be felt under the effect of Alexander Hamilton's system of finance. He left the United States embroiled with England; more so with France; he had demolished the navy and the judiciary, so far as he had power to do it; he had banished the flag of the United States from the ocean; he had cost the people in actual, but useless expenditure, and by unwise restrictions on commerce, an immense sum, which *he* estimated, merely as to exports for one year of the embargo, at fifty millions. The nation was probably one hundred millions the worse for Mr. Jefferson's philosophy and statesmanship. There is not the least doubt, that, if there had been a federal administration instead of that of Thomas Jefferson, during his eight years, the people of the United States would have gained and saved together, a sum equal to the cost of the revolutionary war. But he had slain *federalism*, and this he distinguishes as the chief trophy of his political career.*

* "The war, *ad internecionem*, which we have waged against federalism, has filled our latter times with strife and unhappiness. We have met it, with pain in-

What a difference would it have made to the people of this country, if Mr. Jefferson's successor had been an able, faithful, constitutional President of the United States, and not the mere chief of a vindictive and deluded party! Such a President, it is to be feared, the people of this country are never again to see. If they do not, it will be for the reason that Mr. Jefferson and Mr. Madison have been in the place of President.

Mr. Madison was a wiser and a better man than Mr. Jefferson. He had done himself an honor, for which his countrymen should ever be grateful, in forming, recommending, and sustaining the constitution, jointly with Jay and Hamilton, against its irreconcilable opponents. He was not mean and malignant, like Jefferson. He was well informed; an able debater; a good writer; a man of comprehensive and useful mind. There is nothing in the life of Mr. Madison to show that he was not an honorable man. It was his misfortune to have adopted all the notions of Mr. Jefferson, as to France and England, and to have carried these fully into his administration. How far he acted in pursuance of his own judgment, and how far he yielded to the counsels of party, will never be known. This gentleman, it may be supposed, will not order the publication of his confidential letters and of his "Anas," when he is dead. He will leave history to do its duty. It will do this, no doubt, impartially; and though it may not commend his measures as a statesman and public agent, it will not disgrace him as a man.

Mr. Madison may have better claim to charity than Mr. Jefferson. The latter was the inventor of a course of policy in which the former was, probably, so deeply involved, that he could not escape from it, when placed at the head of the nation. A *party* chief soon finds himself a mere vassel. He well knows that his creators can annihilate. He has three alternatives; he can retire —he can throw himself on the confidence of adversaries and seek

deed, but with firmness, because we believed it the last convulsive effort of that Hydra, which in earlier times we had conquered in the field." (Jefferson to Dr. Logan, May 11th, 1805, vol. iv., p. 35.)

their support—he must do the will of his party. Mr. Madison embraced neither of the first two alternatives. If he adopted the last, his friends will support him by maintaining, that this was the true course of wisdom and patriotism. So far as the world knows, Mr. Madison sincerely approved of all Mr. Jefferson's policy. If so, his countrymen are the proper judges of his merits. It is certain, that Mr. Jefferson approved of all Mr. Madison's policy, as being a continuation of his own; and being such, his countrymen will judge of his merits.*

The first indication of Mr. Madison's devotion to Jeffersonism is found in his resolutions presented to the House of Representatives in January, 1794, to carry into effect Mr. Jefferson's report, as Secretary of State, dated in the preceding month. The object of these resolutions is supposed to have been, to withdraw the commerce of the United States from England, and to bestow it on France. From this time to the close of the war, in 1815, he faithfully pursued the Jeffersonian policy of strengthening France, and prostrating England, and of breaking down federalism. In all this he was another Jefferson. It ought not to be doubted, that Mr. Madison was *honest* in all this, however unfortunate it may have been for his country. But this inference is to be drawn, that a mere partisan may become so thoroughly imbued with the spirit of party, as to be incapable of receiving any sentiment of an exalted and patriotic duty to a whole community. To everything British Mr. Madison seems to have entertained a decided and unchangeable hostility. He associated all political opposition with his British enmity. The correlative of this was devo-

* "My friendship for Mr. Madison, my confidence in his wisdom and virtue, *and my approbation of all his measures*, and especially of his taking up, at length, the gauntlet against England, is known to all with whom I have ever conversed, or corresponded on these measures. The word *federal*, or its synonyme *lie*, may, therefore, be written under every word of Mr. Ralph's paragraph." (Jefferson to Leiper, June 12, 1815, vol. iv. p. 265.)

What Mr. Jefferson meant by *friendship*, is known from his 4th vol. p. 176.

Et idem velle, et idem nolle, ea demum amicitia est. (To have the same desires and aversions is friendship.)

tion to France. This devotion, equally manifested throughout the changes in that country, from the terrible misrule of democracy to the tranquillity of no less terrible despotism, in the person of imperial Napoleon, could have had no other prompting, than the utility of prostrating, or humbling tyrannical England. We hope that no one will take the impression, from anything expressed in this volume, that any member of the Jeffersonian party was *corruptly* devoted to France. This party no more desired the subjugation of this country to France, than to England. The sole purpose is to compare the merits, policy and usefulness of the *leaders* of the two parties; and to infer which of the two classes are best entitled to that praise and respect which Mr. Jefferson claims *exclusively* for himself and his party associates.

One would like to know whether Mr. Madison, in his retirement and retrospection, retains the belief that he governed *wisely*. Credit may be safely given to him for believing, that he did what he thought was right. He might justify himself by insisting, that he did not foresee, any more than others did, the conflagration of Moscow; the flight of Napoleon; his fall from the throne; and his exile to St. Helena; that he did not foresee, any more than others did, that exasperated England, freed from European war, could direct all her forces to our own shores. Will this excuse Mr. Madison, as a patriotic and discerning statesman, from not foreseeing, that, if Napoleon had been as successful as Mr. Madison seems to have desired he should be, the freedom and independence of this country would have depended on a tremendous and appalling struggle with the same Napoleon? Was there nothing in the conduct, declarations, and character of Napoleon, to warn him of this? How is Mr. Madison to excuse himself for this defect in foresight? His excuse lies in the terrifying fact, that ever since Mr. Jefferson's ascendency, this country has passed over, bound in fetters never to be broken, *to the dominion of party*. On the other hand, the principles of *federalism* were nothing more nor less, than a faithful, able, and honest administration of national and state authority. Its object

and sole object was to promote industry, security, and happiness at home, according to laws, made in conformity to the constitution; to avoid all participation in the wars of Europe, and to make the American name justly respected, through impartial and honorable policy, by all nations. These principles must always exist and have force, while a free republic continues. They may be known under various names, but in substance and effect they must ever be the same. Yet all who profess them, by whatever party name distinguished, are condemned by Thomas Jefferson and James Madison to the odium of *opposition*. All the sound constitutional principles of federalism, by whatsoever name they may be hereafter known, must struggle for existence against the corrupt and demoralizing influences of party.

If this country is to be saved from despotism, originating in democracy, it will be done by instructing the great body of the people in the nature of their government, and in the perils to which it is exposed. Suppose a case to exist, in which a popular President is counselled by a combination of men, who are unknown to the constitution as such advisers; that the President and this combination are sustained by a majority of both branches of Congress; that the whole host of revenue officers are selected for their devotion to the will of a cabinet so formed; that all the postmasters throughout the United States are selected and commissioned on the same principle, and have the facility of communication free of all expense; that there are newspapers sustained and circulated for the single purpose of teaching subserviency to the cabinet, and hostility to all who venture to criticise their measures; that all the district attorneys and marshals are chosen and appointed, because they have given satisfactory evidence of their devotion to the cabinet. If such a case may be supposed, what would be wanting to establish an absolute despotism in the country? Nothing but the command of the public money, and a *judiciary* of the same class of citizens. If anything more be wanted, it might easily be found by getting up a pretence, foreign or domestic, to organize a military

force. Are the United States free from such perils? Is there any possibility of awakening public attention to such perils? One mode of doing this, if it can be done, is to show how nearly such perils have overtaken us, and how they were escaped.

Such a party dominion existed, when Mr. Madison came to the presidency. The opponent party then were the federalists. The opponent party at this day are citizens known by some other party name; but they are men of the same principles, that is, they are *constitutionalists*. The object of Mr. Madison's party was to put the federalists down. The object of the present dominion is to put down all opponents, and to have the exclusive control of opinion, of money, and of physical force. The citizens, who hold this dominion, may think all they have done, are doing, and intend to do, to be right and honest. So thought Mr. Madison and his supporters. But the country was brought to the verge of ruin. It is certain, that there can be no instruction but in suffering, at the present day, unless a knowledge of what has been heretofore suffered from similar causes may lead to comparisons and inferences. There are millions in the United States who will listen to nothing but praises and hosannas to a ruling power. But they may be willing to know how similar exercise of power has heretofore endangered civil liberty, and they may, perhaps, be unwilling again to submit to the like dangers.

LETTER LVIII.

DECEMBER 5, 1833.

DURING Mr. Jefferson's eight years he had faithfully cherished all the causes of controversy with Great Britain, had resolutely abstained from all compromise, and had used the means of negotiation, not to close, but to make the breach wider. The princi-

pal causes of controversy were, 1. The colonial trade. 2. The blockades by England. 3. The affair of the Chesapeake. 4. Impressment of mariners from American merchant vessels. 5. Orders of the king in council. It is necessary, now, to look a little more closely at these subjects, because in these are to be found the pretended causes of Mr. Madison's war.

1. The colonial trade controversy arose thus: France had colonies. In time of peace, neutrals could not lawfully carry merchandise from them to France. England insisted, that neutrals should not do in time of war, what they could not do in time of peace; and required that French colonial merchandise should be carried home to the neutral country, and a new voyage there commenced, if the neutral desired to carry such merchandise to France. This was a matter much discussed, as to the right and the wrong; but Mr. Jefferson lost his hold on it, in consequence of the conquest by the British of all French colonies. 2. The blockades of the English. It was admitted that a place is blockaded, when there is a competent force before it to prevent ingress and egress; but that the British could not lawfully affect the trade of neutrals, by *declaring* a whole coast blockaded, where such force was not present. As this point of controversy was merged in a remaining one, it is unnecessary to pursue it further. It makes, however, a conspicuous figure in the discussions of the day. It was a material subject in Mr. Madison's *diplomacy*, but not one for which even he would have ventured on a war.

3. The affair of the Chesapeake and Leopard was shortly this: Vessels of war belonging to France and to England might, in 1807, come into the ports of the United States. Those of France came, and those of England came to seek them.

On the 7th of March, 1807, the British sloop of war, Halifax, was near Norfolk, Townshend, commander. Richard Hupert, born in Liverpool; Henry Sanders, born in Greenock; Jenkin Ratford, born in London; George North, born in Kinsale; William Hill, born in Philadelphia, (but who shipped on board the Halifax at the English Island of Antigua,) were employed in a boat to

weigh the anchor. While so employed, they rose upon the officer in the boat, threatened to murder him, and rowed to the American shore and landed. The same day they entered at the rendezvous of the Chesapeake, as seamen; and on the same day they were demanded of Lieutenant Sinclair, (of the Chesapeake,) who neither delivered nor discharged them. Three other demands were made for these men; one by the British consul on the mayor of Norfolk; one on Captain Decatur; and one by the British minister on the Secretary of State. The Chesapeake sailed with these five men on board, and while going down the Potomac, all but Ratford deserted and got on shore.

When the Chesapeake got to sea, she was met by the British ship, Leopard, of fifty guns, commanded by Humphreys. The American vessel had only 44 guns, though not of inferior force. Humphreys demanded these men of Captain Barron, commander of the Chesapeake, who replied, that "he knew of no such men as Captain Humphreys described." The Leopard fired upon the Chesapeake; a short action ensued, and the Chesapeake struck her colors. The British searched the American and found Ratford in the coal-hole. They took him; and he was tried and executed. The British also took three other men, who were said to be deserters from the Malampus; one, a South American by birth, and two black men, who were runaway slaves from Maryland, and who protected themselves by entering on board the Malampus, and afterwards shipped in the Chesapeake, having deserted from the former.

This was a gross outrage on the part of the British commander, whatever the provocation may have been, because the universally acknowledged principle is, that a national ship at sea, and the territory of its nation, are alike inviolable. Captain Humphreys might as lawfully have exercised force to recover these deserters in the city of Washington, as from the American ship. The British government so understood this matter, and disavowed the act of its officer, and offered a proper and honorable reparation, which was finally accepted before the war, and therefore this did

not make one of the causes which led to that calamity. It would be tedious to follow out the right and the wrong of the negotiation on this subject. It was one that afforded materials abundantly for the purposes of irritation, which the administration faithfully cherished.

4. *Impressment.* This is a difficult subject, arising from the similarity of language, manners, and appearance; and made still more so by the naturalization of British subjects in the United States, under the patronage of Mr. Jefferson. The English, in searching for their own subjects, had repeatedly and oppressively taken native Americans. Whether they did this, knowing that they took such natives, is doubtful; though they always pretended, at least, that they took only their own. The federalists contended, that this seizure of seamen was not a justifiable cause, certainly not a *necessary* cause of war at any time, until all hope of compromise or redress through negotiation had failed. The federalists maintained, that all nations engaged in war have a right, as the necessary consequence of allegiance, to the services of their own subjects and citizens. That this right had been asserted and maintained immemorially, by all the maritime nations of Europe. The personal appearance and language of Europeans divest this subject of all difficulties among them. It is a very different subject as between England and the United States. Descended from the English, Irish and Scotch, and the common language being the same; and some part of American seamen being British subjects by birth, but naturalized in the United States, it was not an easy matter to distinguish between the natives of the one country and the other. The British did not admit that their subjects could change their native allegiance, by assuming one to a foreign country. They never asserted a right to take native Americans, but they sometimes did take them in the exercise of the right which they did assert. The federalists also contended, that the impressment affected principally the middle and New England states, the latter in the proportion, probably, of three-fourths; and that the inhabitants of New England

were far from thinking this such a cause of complaint as to call for a war; that the right of taking native British subjects who had been naturalized, was not one in which the United States were so much interested, as to subject the whole country to the evil of war; that England had gone so far as to modify her pretensions in a manner that ought to be satisfactory to the United States; for that the British ministry had agreed with Mr. King, (minister in London, in 1802,) to renounce the right of searching American vessels for British seamen, on the *high* seas, and would exercise it only on the *narrow* seas, which wash the shores of British isles. (Over these seas England has asserted dominion for centuries.) That, in 1806, Messrs. Monroe and Pinckney made an arrangement on this subject, which they deemed to be "honorable and advantageous;" and, therefore, that this was, properly and from its own intrinsic difficulties, a subject of negotiation and not of war; and could be adjusted in the former mode, and never could be by the latter.

The principle for which Mr. Jefferson and Mr. Madison contended was, that the American flag should protect all who sailed under it. This extended not only to native citizens, but to naturalized ones, and also to any and all British subjects sailing in American merchantmen. The reasonableness of this requisition may be tested by the inquiry, whether a maritime power, which asserts the right to the services of its native subjects in time of war, *could consent*, that these subjects should find an asylum, tempting wages, and personal security in neutral vessels, when most wanted at home? And whether a declaration of war would not be a signal for all seamen to escape into neutral service? If this would be right and just for British sailors, so would it be for those of America. Should we consent, on the happening of a war with France for example, that our seamen should withdraw to the neutral service of England?

The federalists also insisted, that negotiation might, and that war could not devise modes of distinguishing natives of Britain from natives of America; that negotiation could, and war could

not settle, to what extent naturalization should protect, and what should be evidence, that this change of allegiance had occurred; that negotiation could, and war could not settle rights, in relation to British subjects sailing under the American flag, who had not been naturalized.

The considerations thus presented had no effect on Mr. Madison. He adopted all the theories of Mr. Jefferson, manifested in his first presidential speech concerning aliens; and courageously insisted, that the American flag *should protect* without qualification or exception; and that if England, in the midst of her struggle for existence, did not assent, she must number the United States among her enemies;—a principle which no nation will be more likely to contend against hereafter, than that of the United States.

Now, was this a wise, manly and patriotic policy on the part of Mr. Madison; or was it in furtherance of a long-meditated design, to find the most convenient opportunity to step into the pleasing occupation of overwhelming England, and of silencing the "disaffected and the worthless" at home? No reasonable being can doubt as to the motive of Jefferson and Madison, in using, as they did, this cause of complaint.

5. The Orders in Council were commercial edicts, or regulations, ordered by the King of England, with the advice and approbation of those persons who had been, (according to the usage of the English government,) selected to be his personal counsellors. It was well known to federalists and to Mr. Madison and his party, that these orders were passed to retaliate on France her own insolent and oppressive decrees; yet it was the persevering effort of Mr. Madison, to make it believed by the citizens of the United States, that England was the original aggressor.

Between the 4th of March, 1809, when Mr. Madison became President, and the 18th of June, 1812, when war was declared, England seems to have desired sincerely to compromise the controversies with this country, and to avoid conflict. Mr. Erskine, a very young man and not of much experience, was British

minister here, on the 4th of March. An arrangement was made with him. It was said at the time, that Mr. Madison knew, or might have known, that he had exceeded his authority. This arrangement was disavowed in England, and Erskine recalled. He was succeeded by Francis James Jackson, whom the administration found so much to be displeased with, that all communication was cut off with him, and as it was then thought, offensively and with the design to keep open the controversy. He was succeeded by Mr. Foster, who was equally unsuccessful. He remained here till war was declared.

This period was one of very deep interest. It exercised the talents and called forth the eloquence of the ablest men in the country, in and out of Congress, who desired to avoid the calamity of war with England, and the inevitable consequence, an alliance and colonial dependence on Napoleon, if nothing worse happened. Some very able speeches were made in Congress, and some searcing pamphlets were written. The legislature of Massachusetts did itself great credit in declaring its opinion on the state of the country. All these will come in as materials of history, and will demonstrate the most abject subserviency to France, and the most impolitic hostility to England.

As before remarked, it is not to be supposed, that Jefferson, or Madison, or any one of their political associates was acting under a *corrupt* influence of France, any more than that federalists were acting under the like influence of England. The Jeffersonian party believed, that they could best support themselves by adhering to France; and by charging their adversaries with being under British influence, and with plots to sever the Union and set up a northern kingdom, or, perhaps, subject the northern part again to Great Britain. The federalists could deny these charges, and could retaliate by charging the Jeffersonians with real despotism, and adduce devotion to the despot of continental Europe, as the proof. But unfortunately a majority of the American people honestly believed, that Napoleon was "the man of destiny" sent to liberate the world from political slavery; and so

some of Mr. Jefferson's admirers still maintain. In this warfare the Jeffersonians had the advantage, because they could make the majority believe as they thought best. The right and the wrong is now transferred to the tribunal of history; so let it go; but do not let the citizens of this day slide into despotism from the example and precepts of former times.

LETTER LIX.

December 10, 1833.

Nothing will better illustrate the sincerity of Mr. Madison's devotion to his party, than his twin effort in March, 1812, to inflame the excitement against England and his fellow-citizens at Boston. It is amusing, that Mr. Madison should have paid an ingenious Irishman *fifty thousand* dollars, for an attempt to render a service to the object of his hatred, *England;* still more amusing, that all he got for his money was a *faithful* picture of Jefferson and himself, drawn by a British painter.

On the 9th of March, 1812, Mr. Madison sent a message to Congress, in which he says: "I lay before Congress copies of certain documents, which remain in the department of state. They prove, that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British government through its public minister here, a secret agent of that government was employed, in certain states, *more especially at the seat of government in Massachusetts*, in fomenting disaffection to the constituted authorities of the nation; and *in intrigues with the disaffected*, for the purpose of bringing about resistance to the laws, and eventually, *in concert with a*

British force, of destroying the Union, and forming the eastern part thereof into a political connection with Great Britain."

It was said and believed, at the time of the publication of the documents which accompanied this message, that the *naturalized* citizen of the United States (John Henry) *outwitted* Mr. Madison; that he did not disclose these documents until he had received *fifty thousand* dollars, which Mr. Madison took out of the secret service fund; and that forthwith, on the receipt of the money, Henry decamped and took passage for Europe to enjoy his easily acquired fortune. It seems, that he had tried to get money and office from the Governor of Canada, and also from the ministry in England without success; and that failing in these efforts, he made Mr. Madison pay him very handsomely—for what? Giving a very just and true account of the distress and well-grounded dissatisfaction, which all well-informed constitutional citizens felt, under the misrule of the two popular Presidents.

Whether the British ministry knew, or connived at the mission of Henry by the Governor of Canada, is of no importance. It appears from Henry's showing, that they did not. The British minister, then at Washington, disavowed all knowledge of his government, that Henry was so employed. Mr. Madison had two objects in sending Henry's dearly purchased papers to Congress. 1. To inflame the hatred against Great Britain with his own party. 2. To make the federalists, "*at the seat of government in Massachusetts,*" appear to be traitors. Unfortunately for Mr. Madison, neither of these effects was produced. It was at once discerned from the correspondence, that Henry had done no more than to speculate on the character and views of parties, much to the disadvantage of Mr. Madison's party; and that he had never disclosed to any man in New England that he was a missionary. It was also discerned, at once, that he was *earning* money or office, and consequently made the most of his materials. The most ridiculous part of the affair was, the sending of these papers to Congress who could do nothing with them. They were, in compliment to Mr. Madison, and to make some show of

money's worth, committed with power to send for persons and papers. There was nobody to send for but a French count, who was supposed to have counselled Henry in his ingenious contrivance. The committee reported, that, as Henry had not named any traitor, they could do nothing. There are many persons that remember John Henry, and that he was in Boston in 1809. But no one ever heard it suggested that he was a British agent. He was said to be engaged in some sort of land speculation; but very few knew or cared how he was employed. He was a handsome, well-behaved man, and was received in some respectable families.

The principal value of John Henry's papers is, that Mr. Madison has filed in the office of Secretary of State a true account of his own administration, and a delineation of himself, to which none of the traitors at the seat of government in Massachusetts will object, since Mr. Madison has been pleased to pay for, adopt and file among the archives the truth on these points, verified by Mr. Madison's own witness. The following are extracts from Henry's letters to the Governor of Canada. "On the subject of the embargo laws there seems to be but one opinion: That they are unnecessary, oppressive and unconstitutional. It must also be observed, that the execution of them is so invidious, as to attract towards the officers of government the enmity of the people, which is, of course, transferable to the government itself." "The embargo is the favorite measure; and it is probable, that some other measure will be adopted to excite England to commit some act of hostility." "They will risk anything but the loss of power; and they are well aware, that their power would pass away with the first calamity, which their measures might bring upon the common people." "Although it is believed, that there is no probability of an immediate war, yet no doubts are entertained, that Mr. Madison will fall upon some new expedient, to bring about hostilities." "The past administration in every transaction presents to the mind only a muddy commixture of folly, weakness and duplicity." "But the observations made

on his (Mr. Madison's) friendly dispositions towards Great Britain, is a matter of no little astonishment. The whole tenor of his political life directly and unequivocally contradicts them. His speech on the British treaty in 1799 ['96?]; his attempts to pass a law for the confiscation of British debts and British property; his commercial resolutions, grounded apparently on an idea of making America useful, as a colony of France;* his conduct while Secretary of State, *all* form an assemblage of probabilities, tending to convince me at least, that he does not seriously desire a treaty in which the rights and pretensions of Great Britain would be fairly recognized. It seems impossible, that he should at once divest himself of that habitual animosity and that pride of opinion, which his present situation enables him to indulge; but above all, that he should deprive his friends and supporters of the benefit of those prejudices, which have been carefully fostered in the minds of the common people against England, and which have so materially contributed to invigorate and augment the democratic party."

It is improbable that John Henry exhibited such sketches of Mr. Madison to him *before the money was paid.* After it was paid, and Mr. Madison had examined his purchase, as the sum was considerable, it would be expended without value, if these papers were merely deposited in the Secretary's office. Perhaps it was not much otherwise, in attempting to make them *significant* by the solemnity of message, which might strengthen "those prejudices which had been carefully fostered in the minds of the common people against England;" and at the same time make one portion of the people distrust and hate another still more cordially. Whatever these documents were really worth, there they are "remaining in the department of state," deposited by Mr. Madison's own hand, as a memorial of his good sense and patriotism. Perhaps they did help to increase the animosity which prevailed between the parties, and to promote the reign of terror, which came with the war.

* Founded on Mr. Jefferson's report when Secretary of State.

These documents were sent on by a member of Congress of this vicinity, who had the honor of being one of the *six* in the committee of foreign relations who reported the war manifesto to the House, in the following month of June. They arrived here in the morning of one day, and the press was put in motion to multiply them and have them in readiness to come forth, and confound the Yankee traitors on the morning of the next day. The secret was not well kept. It reached the ears of one person with sufficient distinctness to make its general purpose understood. He sat down and wrote a refutation, to appear also on the next morning. It came out simultaneously with the documents, and was so triumphantly successful, as to take from Mr. Madison's barb all its venom—and all its force. The public were left only to wonder at the disposition with which it was thrown, and at the feebleness of the arm which threw it. (*See the Commercial Gazette, of March*, 1812.)

It is painful to believe that so eminent a man as Mr. Madison has exposed himself to the suspicion of having intended to prevent the election of a federalist to the office of governor in Massachusetts, and to secure the election of one of his political friends; and of having used his own official power to this end. Whether this be a well-grounded suspicion, or not, may depend on the impression which the following facts may make.

John Henry arrived from England at Boston, December 23, 1811. He visited Governor Gerry, who gave him a letter of introduction to Mr. Madison, in which he says, that Henry's "professional, literary, and polite accomplishments have been much respected by all his acquaintance." This letter bears date January 11, 1812. Henry arrived at Washington January 31st, and kept within his lodgings in the day time, and made his visits in the evening. He left Washington February 11th. On the 10th of February, fifty thousand dollars were drawn from the treasury, in the name of John Graham, chief clerk in the office of Secretary of State. On the 11th of February, Henry arrived at Baltimore, and is said to have negotiated there an order of the Bank of

Columbia at Washington in his favor, on the Mechanics' Bank of New York, for forty-eight thousand dollars. Henry sailed from New York (or some other port) for France on the *ninth* of March, in the United States sloop of war Wasp.

It is a curious fact, that Henry had been at Washington, had got his money, and had returned northwardly, and was at Baltimore on the 11th of February, and that his letter of disclosure to James Monroe, Secretary of State, is dated the 20th of that month, at Philadelphia. It is remarkable, that Mr. Madison had these disclosures at least *twenty-five* days before he made them known to Congress; that when he did so make them known, Henry was actually under sail for France, and consequently could not be called on for any explanation. From the date of Mr. Madison's message to Congress to the election day in Massachusetts was twenty-eight days. It might take eight days to get the news to Congress, and through their agency to Massachusetts, and the remaining twenty days was about a convenient measure of time to disseminate it, and make it known to all those who might thereby be influenced to vote for *Elbridge Gerry*, instead of *Caleb Strong*.

Now it is not intended to say, that the President of the United States, (knowing as well before he sent his message as afterwards, that Congress could do nothing with it,) did hope to influence the state election. Yet, as he was then meditating a war message; as it was a material thing to him, whether Gerry or Strong was governor of Massachusetts during a war; and as he might have sent his message of disclosure at least twenty days sooner than he did, readers will judge, whether there be, or not, grounds for suspecting, that the time was *chosen* for the disclosure. If such was the intention, it met the defeat which it well deserved. *Gerry was not elected.*

LETTER LX.

December 15, 1833.

Mr. Madison's war message was passed to the committee of foreign relations in the House, a majority of which, viz., John Calhoun, S. C.; Felix Grundy, Tenn.; John Smilie, Penn.; John A. Harper, N. H.; Joseph Desha, Ken.; and Ebenezer Seaver, Mass., agreed upon and reported a manifesto, as the basis of a declaration of war. If these gentlemen had not been under the high excitement arising under Jeffersonian influence, how could they have thought it to be dutiful and patriotic to recommend an *offensive* war, in the *then* state of Europe, and especially of their own country? The manifesto sets forth the old grievances of blockades, orders in council, and impressments, all of them measures affecting the *commercial* part of the nation. Three-fourths at least of this part were to be found north of the *Delaware*. The act declaring war was dated the 18th of June, 1812. If the causes of war were such as to warrant this declaration, it might be expected, that those who were in favor of it would be found to be residents *north* of the Delaware. This was not so; on the contrary, the planters and lawyers of the south and of the west, and others from those quarters knew better, than northern citizens, what measures were necessary to protect their property and to vindicate their rights.

In the House of Representatives the whole number of members was 128; of these 79 voted for the war; and of these (79) 62 resided *south*, and 17 north of the Delaware. The Senate consisted of 32 members, 19 of whom voted for the war, and 14 of these resided south of the Delaware; and 5 of the 19 north. Putting together the war members of both branches residing south of the Delaware, viz., 62 and 14, they make 76; which is four short of half of the whole number in both branches. Thus

the war may be said to have been a measure of the *south* and *west*, to take care of the interests of the *north*, much against the will of the latter. The whole number of members in both branches residing north of the Delaware was 68, of whom only 21 voted for the war.

There is some ground for the opinion, that a portion of those members, who voted for the war in both branches, did so, because circumstances forced them to express an assent contrary to their own convictions of duty. In truth, the Jeffersonian party had created an excitement which the leaders could not control. There is one man now living, who has long been a tenant of a seat in the capitol, who can tell, if he would, with what extreme and foreboding reluctance he voted for the war, as the least of the appalling evils which haunted his mind and even his dreams.

The probability is, that the members from the *west* expected *benefits* from the war, which may have shut out all perceptions of expediency. They may have believed that their own regions would be the scenes of activity, enterprise and acquisition; and they may have been careless of consequences to the seaboard, leaving that to defend itself as it could. Our southern and western brethren saw fit to make the "experiment." Does any portion of them desire to see another of the same kind? It is not intended to cast any reproach on those who proposed or assented to the war; but to show what the perils of the country must always be, when the government of it is submitted to party men. The tyranny of party among its own members, is as inexorable and vindictive, as any which it exercises against its adversaries. Consider the state of the Representatives of the nation at this moment. What prevents the House of Representatives from doing what a large majority of them in their consciences believe ought to be done for the relief of the country? Are they not sensible men? Are they not the sincere friends of their constituents? Are they not desirous that their fellow-citizens should enjoy all the benefits of industry, and all the means of independence and happiness? Undoubtedly. Are they, then, fascinated

by the intelligence, the virtues and the public services of *Andrew Jackson?* Not at all. They probably think him a very unfit man for his station. By what *spell*, then, are they bound? By that all-powerful one which Mr. Jefferson created. *They are party men.* Those, also, were party men who laid the embargo and voted for war. The denunciations of their own partisans is more to be dreaded, than the dereliction of duty, and the reproaches and contempt of their own constituents. It was the same spirit in another form, which carried the arms of France throughout the continent of Europe, and occasioned the horrible scenes which disgraced the last ten years of the last century. The members of selfish parties may, and often do hate each other, as men, most sincerely. There may be such instances in certain honorable assemblies of the present day. But this does not impair fidelity in the common cause. Thus, it requires far greater magnanimity than can ever be expected from party men, to do what they know to be right; and to abstain from what they know to be wrong. The great leaders of the party in power *now*, had rather see the whole country as desolate as a territory in Asia after an army of locusts have encamped upon it, than to yield a single point of party. The corrective lies with the people; they can set this matter right, and no other earthly power can.

LETTER LXI.

JANUARY 2, 1834.

THE friends of peace resisted the declaration of war in Congress, with reason, good sense, faithful love of country, and serious eloquence; but such weapons were powerless against the infatuation of PARTY.

They said, that neither the government nor the people were

prepared for war; that the removal of restrictions had induced the commercial part of our citizens to engage extensively in shipments, and that many millions, not insured against war risks, would fall into the hands of the enemy. They insisted, that the nation was destitute of all means of annoying the enemy on the ocean; and that the whole effective force of the United States (independently of militia) was incompetent to defend any one of our seaports and cities. That an army could not be made in a day; that, if the materials had been gathered, the officers and soldiers must undergo a course of discipline and camp experience, which the war-worn of Europe had declared could not be effected in less time than a year. They insisted not only that the country was utterly destitute of means to coerce an enemy, but equally so of means of defence, if the enemy should become the assailants.

They urged that *impressment* was not a cause of war; first, because war would not settle the right; and secondly, because Great Britain had always been willing to negotiate. That all other subjects of controversy had passed away, but the orders in council. That whether England had, or had not a right to pass retaliatory orders, it was well known that these orders would be rescinded as soon as France had annulled her decrees. That the administration had asserted what no rational being in the nation believed but themselves, viz., that these decrees were repealed. They further insisted, that the *present* time was precisely that in which a war should not be begun. They described the state of Europe as one which, if there were no other reason, demanded delay. But this was not the most cogent reason. The government could not carry on a war without *money*. It had no dependence but on *commercial* revenue. War would greatly diminish, if not annihilate this. Loans, taxes, militia service must be resorted to. Soon the enemy would be on our coasts, and, defenceless as they were and would continue to be, a comparatively small force could keep two thousand miles of seaboard in continual, harassing and costly alarm.

If the object was the conquest of British provinces, there were no means prepared to this end; none which could be prepared, before the whole force that could be organized would be required for the sole purpose of defence along our own shores.

The friends of peace further urged upon the war party, that, if their purpose was the conquest of Canada, it was impracticable, and worse than worthless, if it could be accomplished. It is worth while to transcribe the opinion of that erratic administration-man, *John Randolph*, who was sometimes *very* right in his views, whatever may be said of him at others. What he said in 1806, in committee of the whole, was as true in 1812, as then.

"There are three points to be considered: 1. Our ability to contend with Great Britain. 2. The policy of such contest. 3. Conceding both these points, then the manner in which we can, with the greatest effect, retort upon and annoy our adversary.

"Now the gentleman from Massachusetts has settled, at a single sweep, not only that we are capable of contending with Great Britain on the ocean, *but that we are actually her superior!* Whence does the gentleman deduce this inference? Because truly, at that time, when Great Britain was *not* mistress of the ocean, when a *North* was her prime-minister and a *Sandwich* the first lord of her admiralty; when she was governed by a counting-house administration; privateers of this country trespassed on her commerce. So, too, did the cruisers of Dunkirk. At that day *Suffrein* held the mastery of the Indian seas. But what is the case now? Do gentlemen remember the capture of Cornwallis on land, because De Grasse maintained the dominion of the ocean? To my mind no position is more clear, than, if we go to war with Great Britain, Charleston, Boston, the Chesapeake and the Hudson will be invested with British squadrons. Will you call on the Count De Grasse to relieve them, or shall we apply to the Admiral Gravina, or Admiral Villeneuve, to raise the blockade? But you have not only a prospect of gathering *glory*, and what seems to the gentleman of Massachusets much dearer, *profit*, by *privateering;* but you will be able to make a conquest

of Canada and Nova Scotia. Indeed? Then, sir, we shall catch a Tartar. I have no desire to see the Senators and Representatives of the Canadian French, or of the tories and refugees of Nova Scotia, sitting on this floor, or that of the other House; to see them becoming members of the Union and participating in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating these provinces with us? Or, on what other principle could it be done, under the constitution? If the gentleman has no other bounty to offer us for going to war, than the incorporation of Canada and Nova Scotia, I am for remaining at peace."

Every one of the predictions of the friends of peace was sadly fulfilled; and greater evils than they foretold were experienced by this misgoverned country.

It is worth while to look at Europe, to judge of the *time* which Mr. Madison *selected* to go to war with England.

Napoleon had reduced the whole of Europe to his absolute dominion, or to a state of dependence little short of it, as far eastwardly and northwardly as the confines of Turkey and Russia. There was still, in some parts of Europe, the *show* of independent powers, but it was nothing more. He had placed three of his brothers on thrones; one in Spain, one in Holland, one in Westphalia. One of his generals, Murat, was king of Naples and husband of his sister. He had first beaten the Emperor of Austria, and then divorced Josephine to marry the emperor's daughter. He was King of Rome, until he gave that title to his infant son. A French general was on the throne of Sweden, and had entered into the continental system. Russia alone stood out and continued her commerce, so far as French privateers would permit, through the Baltic. It is a curious fact, that Archangel, in north latitude sixty-four, on the shores of the White Sea, was, in this derangement of Europe by Napoleon, the principal port of entry for all English and American merchandize, which could find its way into the continent. A considerable amount of Ameri-

can property was burnt at Moscow, when that city was destroyed, after Napoleon had taken possession of it.

England had resisted this terrible aggrandizement. She had her thousand ships, and had made herself the mistress of the seas. Her maritime force had no enemy to contend with; she had driven everything that dared to show a hostile flag, from the ocean; excepting, that sometimes a French squadron would steal a flight along the waves, to shun English ships and burn those of Americans.

It was under such circumstances that Mr. Madison chose, for this commercial nation, England for an enemy, and Napoleon for an ally! As the federalists dared to denounce this abominable policy, they were in fact included, though not expressly named, in his manifesto of war.

LETTER LXII.

JANUARY 7, 1834.

IT is remarkable, that on the 24th day of June, 1812, hostilities commenced between Napoleon and Russia, and that on the 18th of the same month, war was declared by the United States against England. During the spring of that year, Napoleon had been preparing for this war, because Russia did not interdict the merchandize of Great Britain. Having assembled his forces, he departed on the 9th of May from his palace of St. Cloud to prosecute his enterprise. It is also remarkable, that no change had occurred in the negotiations with England, which should have induced a declaration of war in the month of June, 1812, rather than at any other time within several preceding months. It was said and believed, that the embargo was known in France to be an *intended* measure, while it was not suspected in the United

States; and it is certain, that war was known in France to be determined on, although no rational man in the United States supposed that the administration would have the hardihood to propose it. Was there, or not, a secret understanding or agreement between the French and American governments, that, as soon as France was ready to attack the only power in Europe which had not bound itself to maintain the "continental system," the United States should declare war against England? Notwithstanding Mr. Madison assigned the old causes for the war, he lies under the very serious imputation of having had other causes at heart; nothing short of having unnecessarily and wantonly engaged his own country in war, for the mere purpose of aiding Napoleon to prostrate his enemy. However this matter may have been guarded from the perception of his fellow-citizens, if the fact was so, Mr. Madison's integrity and fidelity will be severely tried by impartial history. In truth, there was nothing to gain by war, which negotiation would not have gained; and the treaty of peace settled no one of the controverted points.

The first event, after the declaration of war, that attracted the public attention, was the address of the minority of the House of Representatives. A more rational, interesting and dignified paper has not appeared since the institution of the government. In *manner*, it is much superior to the Declaration of Independence. This paper sets forth the state of the country at that time, the course adopted to obtain the presence and purposes of the war; it is an insulated paper, and not easily to be found; but it is due to its writer and signers, that it should be kept in memory.

The declaration of war, though feared, was so serious and shocking to a large portion of the community, that it could only be likened to the distressing certainty of affliction to surrounding relatives, when death has thrown his dart at some lingering victim. While life remains, there is still some vague and undefined hope; —and while war was not declared, there was yet a sentiment, that a calamity so unnecessary, so oppressive, and so ruinous, would not be forced upon the country.

It should be remembered, that the seaboard had not been fortified; the navy had not been augmented; the army had not yet been increased; nothing had been done to fill the treasury — the whole country was on a *peace* establishment. Within the first month of the war, an *unconstitutional* demand was made on the governors of Massachusetts and Connecticut for militia, even before the news of this astonishing measure could have reached the British Isles, and three months before there was the slightest probability that the United States could be invaded. This demand proved to be in prosecution of the design to invade and conquer Canada with militia! If every subject and soldier in Canada had been willing that the militia should take quiet possession of that country, what good would this have done to the people of the United States? During this profitless conflict, the attempt at conquest was continued, but without advancing a dozen miles into that territory at any time; while, on the other hand, the British became invaders; but, as should be, were driven within their own lines on this frontier.

The military and naval character of the war it is not the present purpose to describe. All this went on like other wars, with the exception that it soon became *defensive* on our part.* Mr. Madi-

* In what manner that philosophical philanthropist, Thomas Jefferson, desired to have the war carried on, appears from the following extract.

Jefferson writes to Monroe, January 1, 1815, vol. iv. p. 245: "But however these two difficulties of men and money may be disposed of, it is fortunate that neither of them will affect our war *by sea*. *Privateers* will find their own men and money. Let nothing be spared to encourage them. They are the dagger which strikes at the heart of the enemy, *their commerce*. Frigates and seventy-fours are a sacrifice we must make, heavy as it is, to the prejudices of a part of our citizens. They have, indeed, rendered a great *moral* service, which has delighted me as much as any one in the United States. But they have had no physical effect, sensible to the enemy; and now while we must fortify them in our harbors, *and keep armies to defend them*, our *privateers* are bearding and blockading the enemy in their own ports." (Who but Thomas Jefferson knew this fact?) "*Encourage them to burn all their prizes*, and let the public pay for them. They will cheat us enormously. No matter; they will make the *merchants* of England feel, and *squeal*, and cry out for peace."

☞ This is the *wise* and *moral* Mr. Jefferson! None but *pirates* burn ships at sea.

son's ally, Napoleon, found a more powerful and determined enemy than he expected; and another enemy, little expected and not at all provided for, even by this far-sighted chief. Everybody knows that the burning of Moscow and the bitterness of the winter annihilated the hosts of the Emperor, and that he hurried home to repair his disasters, but found his way to Elba. The fall of Napoleon was also the fall of Mr. Madison. The peace of Europe, in the spring of 1814, left England at leisure to attend to the enemy who had sought to overwhelm her in her deepest distress. The war had assumed a ferocious character, little creditable to either of the parties, according to the rules of modern warfare. The burning of public buildings, and of private dwellings, is unworthy of modern military strife. These are matters within every one's reach, who does not, but desires to know them. The purpose now in view is, to notice the character of the times, which history will not notice.

If any one desires to see the best vindication, which appeared, of the conduct of the administration in the war, he will find it in an elaborate production, entitled "An Exposition of the Causes and Character of the late War." This was dated February 10, 1815, and was attributed to Mr. Dallas, then Secretary of the Treasury.

Independently of the vassalage of party, a small proportion of the citizens of New England approved of the war. Public opinion soon began to manifest itself in popular meetings. Resolutions were passed, expressing in decided terms the feelings of a free, intelligent and indignant people. Conventions were held in the different counties, not by any concert, but spontaneously. That at Northampton, at which fifty-six towns were represented, attracted particular attention. A preamble and resolutions were there adopted, prepared with great ability and genuine patriotic spirit. In the county of Worcester a convention was held, in like spirit, and remarkable for a pointed paraphrase of the declaration of independence.

On the 15th of July, a great meeting was held at Faneuil Hall,

and resolutions were then adopted, well worthy of the place and of the occasion. Among others who were heard at this time was Daniel Sargent, a distinguished merchant, who disclosed the fatal consequences to commercial interests, and to all classes who are connected with and dependent on them. Josiah Quincy, just then returned from Congress, made known to his auditors, with his accustomed fervor and eloquence, the scenes which he had witnessed, and the true character and designs of the administration. He was followed by Harrison Gray Otis, then in the full vigor of manhood, as to whom, with all the abatement which should be made for the high excitement of the times, this description of his feelings and expressions, (as published then,) is not too highly colored.

"It is unnecessary to say more, than that he renewed, with his pathetic and glowing eloquence, that enthusiasm which has been so often excited in the breasts of his fellow-citizens, by his patriotic and masterly speeches: orations they should be called; for, like Demosthenes, rousing the Athenians to watchfulness against Philip, his addresses have awakened the citizens of Boston to a virtuous jealousy of the intrigues of France, and of those who are co-operating with her ruler, to destroy the liberties and happiness of mankind."

Such reception of the war in New England was highly displeasing to Mr. Madison and to his political party. To his mind it was conclusive evidence, that the land of the pilgrims was sold to the enemy; and that the war was as necessary against its inhabitants, as against the government, fleets and armies of Great Britain. But the descendants of the pilgrims had sold neither their land, their opinions, nor their consciences. How it is now, in some portion of the New England states, is not so certain. It may be that the press, the post-offices, and "the standing army of forty thousand"* may have deluded some of our fellow-citi-

* In a speech in the Senate, Mr. Clay estimated the number of devoted partisans in office, in the United States, and who, from the mere tenure of office, are pledged to sustain "the government," (as President Jackson calls himself,) in all it has done,

zens; and may control a majority in more states than one. But this will not last long. The people of New England are sensible and discerning. The day is at hand, when they will do justice to themselves, and to those who have cheated and defrauded them, to advance their own power and to increase their own riches. In the day of adversity, this people *consider;* and no people are better qualified than themselves to understand cause and effect, when they do consider.

LETTER LXIII.

JANUARY 9, 1834.

ALL citizens now alive, who were old enough to know the character of the war in relation to the *opponents of the administration*, remember, and will remember while they live, that they were *identified* with the chosen and public enemy of the United States. They were charged with adhering to and giving aid and assistance to *the enemy;* with treason, and with the design to re-establish the dominion of Great Britain in their native land! What was the evidence? Opposition to Mr. Madison! Opposition for the reasons, and none other, which are contained in the address of the minority of Congress to their constituents. Terror sealed the lips of thousands in *free* America, concerning the conduct and motives of their own *elected* rulers. If the burning of Moscow and the freezing of Napoleon's hosts had not happened, it is not hazardous to assert, that the press and the tongue would have been used in the United States for no other public purpose, than to subserve, applaud and honor Jefferson, Madison, and

is doing, means to do, or can do, at "forty thousand." He properly calls them a *standing army*, since they command more *opinions* and *votes*, than forty thousand bayonets could.

their adherents. What would have prevented military executions, the action of the guillotine, and the confiscation of the fortunes of traitors? Nothing but the native spirit of New England could have prevented it; the spirit that descended from the pilgrim fathers. As soon as the horrible transactions, which occurred in Baltimore in the last ten days of July, were known in Boston, the proper spirit of the citizens was manifested. In that city there was an undue proportion of "oppressed humanity," which had sought "an asylum" there; and they became most effective allies in Madison's war. A meeting was held at Faneuil Hall on the 6th of August, and resolutions were passed, among which was the following: "Resolved, that we are alarmed, astonished and confounded, to find that a paper published at the seat of government, and which is understood, on some occasions, to be its organ, not only led the way to these scenes of confusion, but has impliedly approved and justified them; and that while no mention is made of this late horrible massacre, in which the blood of our oldest revolutionary officers flowed in the streets, a severe commentary was issued in that paper against a republican magistrate of New York, because he expressed his abhorrence of mobs. We will not admit the conclusion, which these facts would seem to warrant, that these mobs are not discountenanced by the Executive of the United States. We would rather consider them as of *French* origin, and the first fruits of that unnatural and dreadful alliance, into which we have entered in fact, if not in form."

The citizens of Boston took very effective measures that no such "*fruits*" should be known among them; whether any such were intended or not. There is no reason to suppose, that these citizens will, at any future time, be regardless of their duties, either to their country or to themselves.

The principal object of the disgraceful scenes at Baltimore, was to silence the *Federal Republican*, a paper edited by *Alexander Hanson*, who was afterwards member of Congress. The same General *Lee*, who was the Governor of Virginia and the

congressional eulogist of Washington, carried the effects of that assault to his grave years afterwards. It was seen with indignant astonishment, that no reprobation of such measures came, directly or indirectly, from Mr. Madison. It was believed that he did not disapprove of them. If rumors are entitled to credit, he was given to understand, that if any such scenes occurred in the city of Washington, he would be held responsible in his *own person*.

These are no fictions, but realities, as thousands now living can testify. Did Mr. Madison mean to break through all constitutional restraints, and establish himself as a tyrant over his fellow-citizens? Not at all. Mr. Madison was acting, as he believed, *constitutionally* and as a *patriot*. It was constitutional and patriotic to annihilate the natural and determined enemy of France; and to silence and make odious every citizen who dared to say it was not so. Mr. Madison is not to be charged with tyranny, nor with disregarding the constitution and laws; but he is to be held up as an example, and a terrible one, too, of what PARTY may do in a republic, when a ruler believes that THE PEOPLE, (as he calls them,) will sustain him. Mr. Madison has been long enough at leisure, to review his political career again and again; long enough for the mists of party to clear away from before his vision; long enough to know, if he looks out upon the world, how some of his opponents lived, and what their countrymen did in honor of their fame; and how those who yet live are esteemed, whom he called traitors and enemies of his country.

The conscientious opponents of the national administration had reason to apprehend, and did believe, that opposition was to be silenced by violence and terror; that they were, by such means, to be deprived of the right of judging for themselves, of the wisdom, fidelity and purposes of their own trustees and public servants. They felt, that the power, which had been created for the security of life, person and property, was to be used to make all these objects *secondary* to the will of a dominant faction. They found it necessary to combine, to obtain that protection which their rulers seemed voluntarily to have withdrawn.

For such reasons, and none other, they associated themselves under the name of *Washington Benevolent Societies* throughout the state. They had regular meetings; quarterly addresses; and annual orations. The members of this society in Boston were of all the various classes. The different vocations among the mechanics had their respective banners, bearing appropriate emblems of their callings; there were other banners which bore the insignia of peace, union, fidelity and patriotism. In the annual processions these banners were carried through the streets. These societies were not like Jacobin clubs, or "secret societies," as Washington called them, instituted to overawe the government in the exercise of its powers; but to maintain the rights of free and independent citizens. Not a sentiment was ever expressed in these societies, inconsistent with the allegiance due to the constitution and to the Union. On the contrary, there is no doubt, that they tended to preserve that allegiance, to preserve the Union, and sustain the community through its discouraging oppressions. The frowns and attempts of the war party to make these societies objects of suspicion, and to render them odious, served only to strengthen them, and convince their members of their utility and necessity. If the day shall ever come, when the like perils shall overtake the good citizens of the United States, let them remember this example. When the causes which produced these combinations ceased, these also ceased; but their banners are still preserved; and are occasionally produced to decorate the "cradle of liberty."

LETTER LXIV.

JANUARY 13, 1834.

IN the course of the summer of 1812, there was some reason to hope, that Mr. Madison had become sufficiently unpopular by his war measures, to lose a re-election. De Witt Clinton was then a person of some distinction in the state of New York. He had expressed his detestation of mobocracy, and had been reprimanded for it in a government paper. Although he had been ranked with the Jeffersonian school, yet, as he had indicated his dissatisfaction with the policy of Mr. Madison, it was hoped that he might be elected President. Any man that could have been elected, would have been thought by the federalists preferable to Mr. Madison. This party were willing to combine with any portion of the citizens, who were willing to withdraw from the support of that gentleman. They felt that *any change* must be for the better.

Measures were taken to hold a convention in the city of New York, in the month of September, 1812. No convention was ever assembled from more pure and patriotic motives, nor any, whose members were more worthy and respectable, as men and citizens. Many of them had filled exalted stations, and were afterwards honored with high confidence by their fellow-citizens and by executive appointment. If this page should ever fall under the eye of any surviving member of that assembly, it may remind him of the solemnity and dignity of the proceedings then had; he can answer for himself for the purity and patriotism of his own motives; he will remember the fervent eloquence there displayed; and the dreadful apprehensions then entertained for the fate of his country.

This convention continued three days. It resolved on supporting De Witt Clinton, as the best chance of defeating Mr. Madi-

son's election. This measure was adopted with reluctance by some who were present. They could not overcome the repugnance which they felt to supporting Mr. Clinton; there were others who feared that he had not strength and popularity enough in his own state to be successful. A large majority of the convention, however, determined on making the proper effort to elect him. All the New England States, (except Vermont,) New York, New Jersey, Delaware, Tennessee and Louisiana voted for Mr. Clinton, and five votes out of eleven in Maryland, were given for him; eighty-nine in all. Mr. Madison had one hundred and twenty-eight; making a difference of thirty-nine. But the Pennsylvania votes (twenty-one in number) having been rejected, the majority was reduced to eighteen. It is supposed, that with a better management, and with a candidate more attractive than Mr. Clinton may have been, Mr. Madison's election might have been defeated. Under almost any other President the war would have been much shortened; and the people of the United States might have escaped a portion of their distress, and have saved many millions, expended almost for the only purpose of producing it.*

* In connection with this convention, I cannot forbear recording an anecdote of the eloquence exhibited on the occasion, by the Hon. Harrison Gray Otis, although that gentleman is among the honored few, who still live to rejoice, that many of their worst fears have not been realized, with regard to this country and her institutions. This anecdote was related by my father, the author of these letters, and I shall repeat it in his own words, as near as I can recall them.

"Soon after the war had been declared, I chanced to be at Saratoga Springs, where I met with the Hon. Calvin Goddard, of Norwich, Connecticut, and with Hon. Jon. Dwight, of Springfield, Mass. Gov. Griswold, of Conn., was also at the hotel, but confined to his chamber. It was the habit of these two gentlemen and myself, to pay the Governor a daily visit; and when he announced himself too ill to receive us, we strolled into the neighboring woods, to talk over the state of the Union, respecting the welfare and durability of which, we entertained serious and painful fears. On one of these excursions, it was concluded, that a convention should be convened at New York during the following September, at which as many states should be represented as could be induced to send delegates. The object of this convention was, to determine upon the expediency of defeating Mr. Madison's re-election, by running De Witt Clinton as the opposing candidate for the

This convention consisted of seventy members. There were from Vermont, two; from New Hampshire, two; from Massachusetts, eight; from Rhode Island, three; from New York, eighteen; from Connecticut, six; from New Jersey, twelve; from Pennsylvania, ten; from Delaware, two; from Maryland, three; from South Carolina, four.

LETTER LXV.

JANUARY 15, 1834.

As before remarked, it is not intended to follow out the naval and military events of the war. These will be found in history already written, which, like other history, delights to show when and how mortals have butchered each other. When war exists,

Presidency. Goddard was intrusted with the state of Connecticut; Dwight with New York, and I was to awaken Massachusetts to the importance of this convention; while all three were to assist in arousing the other states. The convention met at New York, in September, and eleven states were represented by seventy delegates. The convention, during two days, had been unable to come to any determination, and on the third day were about dissolving without any fixed plan of operation. Hon. Rufus King had pronounced the most impassioned invective against Clinton, and was so excited during his address, that his knees trembled under him. Gouverneur Morris doubted much the expediency of the measure, and was seconded in these doubts by Theod. Sedgwick, as well as by Judge Hopkinson. (Now deceased.) Many of the members were desirous of returning to Philadelphia by the steamboat, at 2 o'clock P. M., of the third day. It was approaching the hour and nothing had been determined, when Mr. Otis arose, apparently much embarrassed, holding his hat in his hand, and seeming as if he were almost sorry he had arisen. Soon he warmed with his subject, his hat fell from his hand, and he poured forth a strain of eloquence that chained all present to their seats, and when, at a late hour, the vote was taken, it was almost unanimously resolved to support Clinton. This effort was unprepared, but only proves how entirely Mr. Otis deserves the reputation he enjoys of being a great orator."

those who are to do the fighting are not much concerned with the right and the wrong of the matter. Those who originate the war, from whatsoever cause, know, that to carry it on and fight the battles is resolved into *patriotism;* and that whoever is opposed to it is, of course, a traitor.

There were disasters, and some reprehensible measures, on the part of those to whom the belligerent duties were assigned. But there were, also, some brilliant achievements on land and on the ocean, and especially on the latter. The navy fought itself into credit and renown, at home and abroad; and has most deservedly been, ever since, a favorite with the nation.

But the war went on heavily, as a whole. The navy was not of sufficient magnitude to form a fleet, excepting on the lakes; the regular army had some fine officers, and some who were of other descriptions. The rank and file were such, probably, as other armies are made up of; but they were new in their occupation, and few of them had ever seen a battle when they enlisted. The militia were as good as such forces are ever expected to be at repelling invasion; and not better than might be expected in the serious employment of conquest.

Meanwhile the liberation of the experienced soldiery of England, from European contests, permitted them to appear on our shores; and our gallant little navy was incompetent to meet a foe on salt water, except sometimes in single ships.

As was foreseen, the treasury was soon exhausted. Almost every form of taxation was resorted to. It soon came to the necessity of issuing paper money from the treasury, which was called exchequer bills. These rapidly depreciated and fell to twenty per cent. below their nominal value. Capitalists would not lend money to carry on the war which they considered unnecessary and ruinous; and they were severely reproached because they would not. The enemy were now strong enough with fleets, to blockade all the great ports of the continent; and had troops enough to harass the whole sea coast, from the British Provinces to the Mississippi. That great resource which "the

gentleman from Massachusetts" (as Mr. Randolph said) relied on, was not found so effectual as had been anticipated. "*Privateering*" was not much approved of, and but few engaged in it. But few of those who did so engage grew *rich* from their adventures.

Thus, in less than two years, Mr. Madison and his co-patriots had reduced this whole country to a state of misery and degradation, much resembling that which it experienced at the close of the revolutionary war.

In this state of things, bereft as the administration was of the confidence of the country, and absolutely bankrupt in resources, a measure was devised to command men, for naval and land service, which is as unconstitutional and as abhorrent to the feelings of the citizens, as the condition of our rulers was desperate. Mr. Madison directed his Secretary of State, (and Secretary of War *pro tem.* on dismissing *incompetent* men in that office,) Mr. Monroe, to propose to Congress a system of *impressment*, more odious than was ever known in England, and a *conscription*, more shocking than had ever been experienced in France. It seems to have been no objection, in the minds of these gentlemen, that their system would have demolished by one and the same blow, the personal rights of the citizen, the rights of property, and the provisions for the security of these, in the constitutions, both state and national. The true character of this measure is disclosed in "Dwight's History of the Hartford Convention," pages 311–336. Every American citizen ought to study this, to know what the rulers of a republic can sometimes dare to do. The Congress of that day, submissive as it was to the will of the Executive, or submissive as the Executive may have been to its will, (as the truth may be,) had not the hardihood to give to this proposal the form of law; though it came near to that point.

Congress was called together by the President, on the 19th of September (1814). The message disclosed the deplorable state of the country, as to credit and force to carry on the war, and called on Congress to exert all its energies. Congress inquired

of Mr. Monroe, then lately appointed (or acting) Secretary of War, what he had to propose. It was not until the 17th of October, that he presented his conscription plan. This was made public, and was as thoroughly discussed out of Congress, as by its members. Eighty thousand men were, by a law proposed by Mr. Giles, to be submitted to the conscription, probably as the first call. The law passed the House, 84 to 72; the term of service to be one year; and *that the President might call directly on the militia officers for the men*, in case the governors of states refused on request of the President, to detach and surrender the required number.

The Senate insisted, that the term of service should be *two* years, and that the President should *not* have the power to call on the militia officers, if the governors of states refused to comply with his call. So the two branches disagreed. When the subject came again before the Senate, Mr. Rufus King moved to postpone the bill to the second Monday of March, (a day beyond that at which the session was to close,) which was carried, 14 to 13. Thus narrowly did the citizens of the United States escape the conscription.

It is highly probable, that, if it had been attempted to enforce the system of impressment and military conscription *by law*, the government would have come to an end. The citizens of the United States could not, and would not have submitted themselves to its operation.

It is a long time since military conscription was familiarly spoken of in this country. As some future administration may venture on the like measure, it may not be useless to speak of it briefly, as it existed in France, from which country it was undoubtedly borrowed, to be applied to our own.

The world had, for a long time, regarded with terror and abhorrence the military ascendency of France. It was seen, that French armies were everywhere victorious by the combination of skill and numbers. Skill could be accounted for. Young and ambitious generals, called to command in right of talents, and

not of family, or princely favor, could hazard life, and make their followers emulate their example; and numbers, thoroughly drilled and animated by French enthusiasm, could do all that was required for conquest. But how these myriads were drawn forth was not so easily understood.

To Mr. *Robert Walsh*, now of Philadelphia, must be given the honor of having disclosed to Europe, as well as to his own country, the true causes of the military power of France. When Mr. Walsh was yet a very young man, he had diligently investigated the origin and character of this power, and published the result in the Edinburgh Review in the year 1809. This essay was sufficiently attractive to have been translated into all the languages of Europe. After Mr. Walsh returned to the United States, he published another work early in 1812, entitled: "A Letter on the Genius and Dispositions of the French Government, including a View of the Taxation of the French Empire."

This production was also translated into all the languages of Europe. Several editions of both works were published in the United States. Before these labors of Mr. Walsh were thus published and made known, there was an undefined terror of French power, which made a war with England exceedingly dreaded, because an inevitable consequence was held to be an alliance with France. When the pages of Mr. Walsh had been read, contrary to the common maxim, that undefined apprehension is more terrific than the reality, it was made clear to every thoughtful mind, that nothing which had been imagined of the *fraud* and *force* of France had come even near to the truth. An edition of Mr. Walsh's exposition of France was published by subscription in Massachusetts, to be circulated gratis, so that the people might judge of the sort of dominion under which they were sure to come, in the event of a war with England.

Mr. John Howard, son of Governor Howard of Maryland, also published a work on French conscription. This work shows what Mr. Madison, as President, and Mr. Monroe, his Secretary, really intended, and desired to impose on their fellow-citizens, in

the form of military conscription for the conquest of Canada. But then it should be remembered, not only that the free citizens of America were to endure all the miseries to which French population were subjected, but also, that the proposed system here was most obviously a mere tyranny, and amounted to an absolute repeal of all constitutional security.

Whenever the measures of government are such as to come home *to daily bread* and to *personal liberty*, Americans will stop to inquire, and will not be contented with anything short of the truth. This odious conscription was thoroughly understood. If it had assumed the form of law, and if it had been attempted to enforce that law, no doubt the citizens would have armed and might have marched, but not, it is believed, to Canada.

LETTER LXVI.

JANUARY 19, 1834.

IN the summer of the year 1814, the enemy had taken possession of so much of the state of Maine, as extends from the British provinces to the Penobscot; and had absolute command in all the neighboring waters. The head-quarters of the enemy were at Castine; and one frigate ventured to ascend quite up to Bangor. It is believed, that there was not a single soldier in the service of the United States, anywhere within the limits of New England, unless towards the northern frontier. It was rumored and believed, that a British force was about to embark in England and Ireland, under the command of General Hill, for the special purpose of invading New England. The troops thus expected had been in the battles of Europe, and were likely to be very unwelcome visiters.

Governor Strong was advised by his council, to call the legis-

lature together, and to lay before them the state of the country. The leading men who were to be present in the legislature, and others, whose judgment was respected, frequently compared opinions on the deplorable condition to which the country was reduced, and on the possible means of resisting invasion, and securing themselves, their families and fellow-citizens from the evils which were impending.

Utterly abandoned as New England was by the national government, there was no alternative but to use its own means of protection. The general sentiment was, that the New England states *must combine* to save themselves, by their own force and resources, from becoming a conquered country. The terror of the conscription system, on the one side, and the terror of invasion, on the other, had produced a popular excitement, which made it inevitable that something must be done under *state authority*, to prevent evils, the consequences of which could be more easily dreaded, than remedied when present.

Under such circumstances, the legislature assembled. After the most serious deliberation, it was resolved, that as the perils, to which Massachusetts was subjected, were common to all the New England maritime states, a common cause should be made among them all; and that to effect this object, delegates should be invited to assemble at Hartford on the 15th day of December following; and that reports should be made to the legislatures of their respective states.

The members of this convention, as stated by Mr. Dwight in page 351 of his work, were these: From *Massachusetts*, George Cabot, Nathan Dane, William Prescott, Harrison Gray Otis, Timothy Bigelow, Joshua Thomas, Samuel Sumner Wilde, Joseph Lyman, George Bliss, Stephen Longfellow, jr., Daniel Waldo, and Hodijah Baylies. From *Connecticut*, Chauncey Goodrich, John Treadwell, James Hillhouse, Zephaniah Swift, Nathaniel Smith, Calvin Goddard, and Roger Minot Sherman. From *Rhode Island*, Daniel Lyman, Samuel Ward, Edward Manton, and Benjamin Hazard. From *New Hampshire*, Benjamin West, and

Mills Olcott. From *Vermont*, William Hall, jr. The three last members were chosen by local conventions, and not by legislative authority.

[The appearance of Mr. Theodore Dwight's History of the Hartford Convention has diminished the number of pages originally intended for this volume. Some materials which would have been used have been so much better used by him, than they could have been on this occasion, that whoever desires the most accurate information on the train of events which led to the necessity of a convention, will be sure to find it in Mr. Dwight's volume. Some reference must be made to the same events, to connect the general course of things, but in a very brief manner.]

The History of the Hartford Convention, published by Theodore Dwight, is a triumphant vindication of the conduct and character of the opposition in New England. Every position assumed by this writer, in relation to the ruinous party measures of the administration, is proved by documents proceeding from that administration. Every position assumed in relation to the patriotism of the members of this opposition, to their fidelity to the constitution, and attachment to the Union, is proved by documents which no perversion of party zeal, no effort at popular delusion, can ever discredit. All his positions are sustained by a clear and cogent course of argument, which, while it confers a lasting honor on the writer, will carry conviction to all honest and impartial minds, in generations to come. This writer is also sustained by the character, the conduct and the lives of the men who constituted the leaders of opposition, and who gave to all opposition its tone.

To those who read and think, to all who sincerely support pure republican government, to all who believe that such government can be secured only by a just and faithful exercise of state and national authority, Mr. Dwight's volume is earnestly recommended.

The positions which Mr. Dwight has assumed and proved to all men, who can divest themselves of party prejudice, are the following:

First. From the time of Mr. Jefferson's first appearance in the national government until he left it, he was disposed to favor France and to prostrate England; and that he used all the powers confided to him to these ends, however sincere and honest he may have been in the prosecution of such policy.

Secondly. That Mr. Madison was not only his successor, but the faithful promoter of the same policy, and from the same motives.

Thirdly. That Mr. Madison fostered all the causes of hostility which existed between the United States and England; while he either overlooked, or tolerated far greater aggressions on the part of France, than England ever committed in retaliation of French measures.

Fourthly. That Mr. Madison, in his first presidential term, recommended a declaration of war against England, either because he approved of that measure himself; or because he was assured, that, if he did not recommend it, he could not be elected a second time.

Fifthly. That the real causes of the war were the motives before stated, while the ostensible causes of the war were the orders in council and the impressment of seamen.

Sixthly. That the time chosen for this declaration was one in which the great cities of the Atlantic shore were not provided with defence; when there was no source of revenue but commerce, which war would annihilate; when there was a maritime force too small to deserve that name, compared with the like force of the enemy; and when there were no land forces, but such as could be had from the militia and from hurried enlistment.

Seventhly. That the time chosen for this declaration was that, when Napoleon was on the march to subdue the only power on the continent of Europe which had resisted his measures for the subjugation of England; and who moved with a force so commanding, as seemed to bid defiance to the fortunes of war, and the reverses of unforeseen events.

Eighthly. That the first effort in the prosecution of this offensive war, was an unconstitutional demand on the governors of Massachusetts and Connecticut, for bodies of militia, *not to repel invasion, but to make a conquest.*

Ninthly. That the territory intended to be conquered was the Canadas; that this measure was persevered in throughout the war; that the sea-coast was left defenceless by the administration, and that these causes led to a defensive war, in which a portion of our own territory was conquered.

Tenthly. That the administration became destitute of resources; was compelled to resort to oppressive taxation; to issue paper money which depreciated twenty per cent.; and that its credit was too much impaired to have carried on even a defensive war, if the New England states had not interposed their credit and physical force, under their own authority, to defend themselves and their own homes.

Eleventhly. That the war assumed a vindictive and ferocious character; and that the only alternative which the government could discern was, to propose CONSCRIPTION and IMPRESSMENT.

Twelfthly. That in this extremity of distress, three of the New England states, *by the act of their legislatures,* ordered a convention of delegates—for what? Not to dissolve the Union, not to oppose the administration, but to be permitted to employ, under the sanction of the United States, their own credit and their own physical force, in defence of their own territory, property and firesides; duties which constitutionally belonged to the national government, but which that government had first neglected, and then became unable to perform.

Lastly. This convention, smarting under the perversion of constitutional power, properly took that occasion to propose some amendments of the constitution, and among others, such as might prevent the recurrence of commercial restrictions, and the presence of desolating war, by the vote of a bare majority in the two branches of Congress; and the assent of *one man* exercising executive power.

LETTER LXVII.

JANUARY 24, 1834.

THE Hartford Convention was a rich and inexhaustible fund of abuse and crimination, for many years. Those persons who knew the least of the causes which led to it, and nothing of the motives of those who were its members, were the most busy and the most malignant calumniators. It is now mere matter of history. Its members and their associates are, mostly, beyond the hearing of earthly censure or praise; and those who survive have nothing to hope or to fear from their fellow-citizens, connected with this subject. But they have themselves some interest in that impartial judgment of posterity, for which Mr. Jefferson has taken such unfortunate measures to prepare himself.

Perhaps such of that posterity as care to know anything of gone-by events and persons, will review the first twelve years, and the next sixteen years of the national administration. Perhaps some of their number will read Mr. Dwight's book. Perhaps they will know the real and hopeless distress to which Mr. Madison had reduced New England. Perhaps they will discern the true political character of those who made the war, and of those who proposed, held, or approved of the convention. History is said to be little declarative of real motives—and that those of one generation cannot be well instructed in facts as they occurred among former ones. But if history does not make extraordinary blunders on this subject, it may, perhaps, be received as truth, that the Hartford Convention did much to *preserve* the Union, and nothing towards *dissolving* it. It may also be believed, that if that spirit, out of which the convention arose, had not been manifested, this country would, *in Mr. Madison's time*, have submitted to a despotism, which it could not have shaken

off, but "through blood and slaughter," as Mr. Jefferson says, in recovering not "long lost," but very lately lost "liberty."

It is to be hoped these historical students will know, that the alleged causes of the war were the orders in council and impressment; that the former were, in fact, repealed *six* days after the declaration of war; that Mr. Madison refused an armistice, proposed by Admiral Berkeley, after he knew of the repeal; that he carried on a war, much more against his own country, in effect, than against the enemy, for two years, to maintain the principle of protecting all who sail under the American merchant flag; a principle which he well knew England would concede, as soon as Mr. Jefferson could leave his "clover fields," to have the pleasure of dining with Mons. Le General Pichegru in London, (see his 3d vol. p. 314,) and not a moment sooner.

It will not be overlooked either, that the diplomatic instructions to the peace-makers gradually declined from a high tone of demand, to the simple command—*Make peace at all events.* Peace was made, and nothing else was made, during the two years that preceded it, but distress, calamity and debt, excepting there was proof enough made, that Americans *can* fight, when they are properly called on to engage in that business. The matter of English impressment remains just where it was, when the national government was instituted, excepting only that it may be somewhat the worse for the war.

The concerns of this world are too insignificant, in the view of any rational man, to be intentionally misrepresented, when all his connexion with them is soon to end. If any injustice has been done to Mr. Madison in these remarks, it is not intended. He was Mr. Jefferson's friend and associate, in their joint views of federalism. If, in defending the fame of men as honest, as wise, and patriotic as either Mr. Madison or Mr. Jefferson will hereafter be considered to have been, some painful truths must be asserted, it is the necessity of the case, and not the gratification of any unworthy feeling, that calls for them. The people of this country are deeply interested to know what sort of public agents

and servants, *in high places*, they have had, that they may make their own comparisons, and judge correctly of present and of future ones, as they successively arise.

LETTER LXVIII.

JANUARY 27, 1834.

THE convention was in session from the 15th of December, 1814, to the 5th of January following. It sat with closed doors, and no information was given, by any of its members, while sitting, of the measures which were discussed. This secrecy was construed to mean most treasonable designs, and all the friends of the administration were industrious to have the matter so understood. To the opponents of the administration, who knew the men there assembled, and knew also, that they could listen to no counsels, nor propose, nor adopt any measures inconsistent with duty, self-respect and sober wisdom, the secrecy was in no wise alarming, but, on the contrary, satisfying and consolatory.

The only measure which the legislatures of Massachusetts and Connecticut thought it necessary immediately to adopt, on receiving the report of the convention, was to send commissioners to Washington. Harrison G. Otis, Thomas H. Perkins and William Sullivan* were sent from Massachusetts; Nathaniel Terry and Calvin Goddard, from Connecticut. The nature of their duties, and, in effect, the whole *mischief* of the Hartford Convention may be truly understood by this extract from the commission:

"To make earnest and respectful application to the government of the United States, requesting their consent to some arrangement, whereby the state of Massachusetts, separately, or

* The author. See biography at commencement of this edition.

in concert with neighboring states, may be enabled to assume the defence of their territories against the enemy; and that to this end, a reasonable portion of the taxes, collected within said states, may be paid into the respective treasuries thereof, and appropriated to the payment of the balance due to the said states, and to the future defence of the same; the amount so paid into the treasuries to be credited, and the disbursements so made to be charged to the United States." The commissioners were further required "to consult with, and to solicit the assistance and co-operation of the senators and representatives of this Commonwealth in the Congress of the United States."

This commission was dated the 31st of January, 1815. The commissioners had just arrived at Washington, about the middle of February, when the news of peace was received at that place. The joy was universal and unalloyed; and if greater among any one class than another, it was so among administration men, who saw before them not only peace, but the prospect of retaining their power.

In proof of the propriety of the measures adopted by New England, and of the desperate condition in which the administration found itself, it should be added, that a bill had been introduced, at the session of the existing Congress, to authorize the several states to take measures to DEFEND themselves. This was the principal object of the Hartford Convention. As the conscription had been defeated, there is little doubt that such authority would have been given to the states, if the war had continued.

So general and heartfelt was the joy at being at peace again, that celebrations were had in all the cities, in which both sexes, all ages and all parties united with the strongest enthusiasm. There were splendid processions, bonfires and illuminations, as though the independence of the country had been a second time achieved.

There was too universal and too sincere a joy, on the restoration of peace, to allow of comment on Mr. Madison's self-congratulatory address to Congress, announcing the treaty, concluded at

Ghent, on the 24th of December, 1814, by Albert Gallatin, James A. Bayard, John Q. Adams, Henry Clay and Jonathan Russel, on the part of the United States, and Lord Gambier, Henry Goulburn and William Adams on the part of England.

On this occasion Mr. Madison said, among other things,

"I lay before Congress the treaty, &c.; while performing this act, I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates, with peculiar felicity, a campaign signalized with the most brilliant successes.

"The late war, although reluctantly declared by Congress, *had become a necessary resort*, to assert the rights and independence of the nation. It has been waged with a success, which is the natural result of the *wisdom of the legislative counsels*, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when *the causes of the war have ceased to operate*, when the government has demonstrated the efficiency of its powers of ☞ DEFENCE, and when the nation can review its conduct *without regret and without reproach.*"

It would not be difficult to make a version of this congratulatory message, partaking, at the same time, of the serious and the ludicrous. But the high esteem and respect in which Mr. Madison is held by most of his countrymen, are a very sufficient reason for not doing it. In truth, the main object of these pages, (as has been more than once acknowledged,) is to weigh the worth of Mr. Jefferson's evidence against a numerous body of his fellow-citizens, a purpose not to be effected without investigating his own worth and the value of his services. No such motive is felt towards Mr. Madison, who has not appeared as a calumniator of his fellow-citizens, except in a single instance. How Mr. Madison could have conceived the American public would credit that purchased renegado, John Henry; and what Mr. Madison saw in that man's disclosures, which warranted him to proclaim the existence of crimes, which, if real, would have deserved a halter,

we leave to Mr. Madison to explain. He included, in his comprehensive denunciation, many men as honorable, as wise, and as patriotic as any discerning and impartial historian will consider him to have been. With this exception, we know not that Mr. Madison departed from the dignity implied in being the President of a whole people, by stooping to traduce and vilify a portion of them. Mr. Jefferson stands in a very different light in this sort of odious offence. He not only descended to the lowest calumnies in his lifetime, but provided for the republication of them when he knew that he could not be called to account.

If Mr. Madison had not been so intimately associated with all Mr. Jefferson's public policy, as to identify his own therewith, the present might not be a proper occasion for even adverting to the talents and integrity of Mr. Madison, as a statesman. We should have left this gentleman to be dealt with in the tribunal of history. Nor is it now expedient to do more than suggest the questions to which some future historian may think it his duty to furnish the proper answers.

1. Why did Mr. Madison, after having been among the ablest of the able men who framed the federal constitution; after having been the associate of Jay and Hamilton in commending it to public favor; and after faithfully advocating its adoption by the Convention of Virginia, become the leader of opposition to the administration of that very system under Washington?

2. Why did Mr. Madison frame and present his famous resolutions in January, 1794, based on Mr. Jefferson's commercial report, designed to hamper the commerce of this country with one nation, and to restrict it to a disadvantageous intercourse with another?

3. Did, or did not, Mr. Madison, under the seductive and persuasive influences of Mr. Jefferson, desire to see this country depart from *neutrality*, and engage in the wars of Europe on the side of the French republic?

4. Did Mr. Madison know and approve of the investigation,

instituted by Giles, Monroe and Venables, into the official conduct of his former associate, Hamilton?

5. Did Mr. Madison know and approve of his friend Jefferson's patronage of Jacobin clubs; and of his *nullifying* doctrines expressed in the Virginia and Kentucky resolutions of 1798?

6. Was Mr. Madison the friend and counsellor of Thomas Jefferson, (when Secretary of State from March, 1801, to March, 1809,) and did he approve of all that Mr. Jefferson did as President in these eight years? Did he advise to the exercise of executive power, to convert the government into an exclusive party machinery;—to diminish the judicial power;—to substitute gunboats for a navy;—to the purchase of Louisiana? Was fear of, or favor to Napoleon among the motives?—to the gift of two millions to Napoleon;—to the course of restrictions on commerce, and to its annihilation by embargo;—and to the tyranny of the *enforcing* law?

7. Why did Mr. Madison plunge this country into war, when he knew it to be wholly unprepared for an appeal to arms?

8. Why did he refuse an armistice, when the cost and calamities of war could have been thereby prevented?

9. Why did he persevere in the war after the pacification in Europe of 1814? Was it to settle, *by war*, the question of impressment? What did Mr. Madison or Mr. Jefferson really care for seamen, ships and commerce?

Such, and many similar questions some future historian will discuss, to show the value of Mr. Madison's integrity and talents as a public man. But he will also consider the close intimacy of this gentleman with Thomas Jefferson; he will not overlook the peculiarly disturbed state of the civilized world at this time; nor how difficult it is to govern in a country where the press is free, and where there are exasperated parties. The historian will heed, also, how diseased the perceptions of great men may be, when they are ambitious and subjected to the dominion of party; nor will he, if deserving the trust which he assumes, forget that the station of a popular ruler is exceedingly arduous at all times, and

that he needs especially, that charity which few public men, or any others, have not needed.

The future historian will turn with pleasure to those parts of Mr. Madison's character, which all virtuous and intelligent Americans ought to respect him for; amongst others, for his services in framing and commending the constitution; for his conduct as chief magistrate, after the affairs of Europe took that turn which enabled him to escape from the toils in which Jefferson had entwined him; for his independence and good sense in establishing a national bank.* He will honor Mr. Madison for having retired with dignity from his high station, and for having maintained that dignity in retirement; exhibiting an honorable and exemplary virtue, as a private citizen, throughout a prolonged life.

The citizens of the present day, and all who are to be citizens while the republic continues, have a serious interest in the public character and conduct of the two first and the two next Presidents. So recently after their ministry, and while one of them is still living, and while so many of both parties are still living who are little likely to have changed their views, a fair and impartial judgment of these eminent men may be unattainable. But, if the materials for judging are not to be furnished to those who have

* The charter of the first Bank of the United States had expired before the war began. The embarrassments of the war are supposed to have been greatly increased by the want of such an institution. All the state banks in the Union, (except those of New England,) were compelled to suspend specie payments. This was an unavoidable consequence of the war. It is supposed that Mr. Madison was instructed by the experience of these times, that a national bank is indispensable in our country. His approbation of a bank entitles him to respectful consideration, because it was given against the well-known opinion of Mr. Jefferson, and perhaps, against the opinion of a majority of citizens of his native state, to whom he was about to return to spend the remainder of his days. The following anecdote may show what the state of the country was at this time: A person carried to a bank in Pennsylvania, some bills which that bank had issued, and demanded gold or silver for them. He was answered, that the bank did not pay gold or silver. "Give me, then, bills of the United States Bank." "There are none." "Then give me bills on any bank in New England." "We have none of these." "Pay me then in the best *counterfeit* bills you have."

become citizens since these excitements have gone by, they must pass away themselves, before the time for impartial judgment may have come. How are such citizens to know, (what it most concerns them to know,) the origin and character of public policy, and the merits and faults of former agents? The constitution, be it remembered, is no more than a collection of rules, to be expounded by practice in the exigencies of a nation. The constitution of England is not like ours, *written;* but is found in a long series of political events and usages. If our citizens are not to know what has been the practical exposition of their constitution in former times, they cannot know the soundness or unsoundness of the current one. It is not too early to inquire, what good or evil was done in the days of *Washington* and *Adams;* and what good or evil was done in the days of *Jefferson* and *Madison*, if one has any interest to know what good or evil is going on at the present day.

If any one who reads these pages is disposed to think them the product of party favoritism, he need not and will not rely on them. But let him look at the public documents which have been cited. Let him look to facts which are open to every man's view, and judge for himself. The writer has *no point to carry*, but to show Thomas Jefferson as he really was; and, fortunately, every proof that is needed, has been furnished either by Mr. Jefferson's confidential associates, or by his own pen. In showing Thomas Jefferson as he was, it is believed that an abundance of indisputable facts have been stated, to show who and what *they* were whom he spent fifty years in CALUMNIATING, *to carry his points*. There are yet other facts to state, of the same tendency, in their proper place.

The time is not far off, when the American people will rid themselves of Mr. Jefferson's "heresies." They will understand his faults, his follies and his pretensions. They will estimate the worth of his assertions, made even from his own ashes. Self-sculptured, he stands forth as *calumniator*, in a bold relief unknown before of any man. He may be likened to the manager

of a theatrical company, who has played in every variety of comedy and tragedy; and who, at the close of the season, and when the curtain has dropped for the last time, reappears and invites the whole audience to come behind the scenes, to see for themselves by what *trumpery* they have been beguiled of their money; and for what sort of kings, heroes and patriots they have thundered applause, or shed tears of sympathy.

Mr. Jefferson's Religion.

Mr. Jefferson demands the admiration of the world. He ranks himself with Washington; with the benefactors of mankind. It is true that he is not responsible to *men* for his religious opinions. But, if he has taken on himself to disavow that religion on which believers found their hopes of the future; and which the wise and virtuous regard as the very bond of society and the best security for human happiness, he has essentially impaired the force of his demand. Considering Mr. Jefferson as an individual, it is of no more importance to inquire what *his* religion was, than what his friend, Thomas Paine's, was. But as he is still held up as an *example*, it is proper that a Christian community should know what sort of a Christian he was. The following extracts will settle that matter. They might be multiplied, but it is painful to transcribe them:

In a letter to Mr. Adams, January 11th, 1817, (vol. iv., p. 300,) he says: "The result of your fifty or sixty years of religious reading in the four words, 'be just and good,' is that in which all our inquiries must end; as the riddles of all the priesthood end in four more; 'ubi panis, ibi deus.' (My living is my religion.) What all agree in is probably right; what no two agree in is probably wrong. One lately inquired of me, whether he might consider as authentic the change in my religion, much spoken of in some circles. Now this supposed, that they knew what had been my religion before, taking for it the words of their priests, whom I certainly never made the confidants of my creed.

My answer was, 'Say nothing of my religion. It is known to God and myself alone. *Its evidence before the world is to be sought in my life; if that has been* HONEST AND DUTIFUL TO SOCIETY, the religion which has regulated it cannot be a bad one.' "

It is with some reluctance that the following extract is made from a letter of Jefferson to William Short, dated August 4th, 1820, (vol. iv. p. 327.)

"That Jesus might conscientiously believe himself inspired from above, is very possible. The whole religion of the Jews, inculcated on him from his infancy, was founded on the belief of divine inspiration. The fumes of the most disordered imaginations were recorded in their religious code, as special communications of the Deity; and as it could not but happen, that, in the course of ages, events would now and then turn up, to which some of these vague rhapsodies might be accommodated by the aid of allegories, figures, types, and other tricks upon words, they have not only preserved their credit with the Jews of all subsequent times, but are the foundation of much of the religions of those who have *schismatized* from them. Elevated by the enthusiasm of a warm and pure heart, conscious of the high strains of an eloquence which had not been taught him, he might readily mistake the corruscations of his own fine genius for the inspirations of a higher order. This belief carried, therefore, no *more personal imputation*, than the belief of Socrates that himself was under the care and admonitions of a guardian Demon. *And how many of our wisest men still believe in the reality of these inspirations, while perfectly* SANE on all other subjects. Excusing, therefore, on these considerations, those passages in the gospels which seem to bear *marks of weakness in Jesus*, ascribing to him what alone is consistent with the great and pure character of which the same writings furnish proof; and to their proper authors their own trivialities and imbecilities, I think myself authorized to conclude the purity and distinction of his character, in opposition to the impostures which those authors would fix upon him." (Mr. Jefferson was about 77 when this letter was written; and his

mind seems to have been as *sound* then as it had ever been. We should not have adverted to Mr. Jefferson's religious opinions, if he had not been held up as a *Christian;* and had not deliberately published that Washington was an *infidel.*)

LETTER LXIX.

February 3, 1834.

On Mr. Madison's retirement, Mr. Monroe (whose name should ever be associated with impressment and conscription), was the Jeffersonian candidate for President. The peace of Europe, our own peace, the return of prosperity, and the inexpressible relief from non-intercourse, embargo and war, had made the federalists very indifferent as to Mr. Madison's successor. They had little to fear from him, and nothing to hope. Mr. Monroe met with little opposition at his first election, and with one opposing vote only at the second. He was of course a Jeffersonian President, and adhered to his party in all distributions of favors. He had no opportunity to adopt a mischievous policy, nor probably any desire to do it. His useful merit consisted in governing but little, and in leaving people to manage for themselves: a merit which belonged to neither of his predecessors.

It is a remarkable fact that the most peaceable, tranquil and prosperous eight years, which the country has experienced since the beginning of this century, was during the administration of this gentleman. Whether this arose from his positive or negative qualities, or from the fact that federalists never make opposition for opposition's sake, and care not who governs, if they are governed well, it is not undertaken to decide.

If Mr. Monroe's talents and usefulness are to be measured by the number of his elections and appointments, he was, undoubt-

edly, the greatest man that has ever appeared in the United States. There are a sort of middling-men, who are not objects of envy, nor are they so inferior as to pass unnoticed. They are always ready for any office, and equally fit for any. Some persons have supposed that Mr. Monroe was at the head of this class. He served, honorably, some years in the revolutionary war. He seems to have been esteemed in his native state. (He was born in Virginia in 1758.) He was frequently in the legislature, was governor on two different elections; and member of the old Congress. He was of the convention in 1787, and senator for some years. He was acting secretary at war, and secretary of state. He had four missions to Europe, and divers other appointments in the course of his life; and, lastly, President of the United States.

He was not a mercenary man, for he left public employment with slender means for future subsistence. Congress was supposed to have failed in showing proper respect and consideration for a man who had been so long in public service; and who, doubtless, was an honest man, whether he was right, or wrong in his views. He labored a long time with Congress, after he left the presidency, to get some accounts settled, in which he claimed to be a creditor; but without much success. It is probable that the wicked faction of federalists would have taken pleasure in seeing Mr. Monroe made comfortable in his declining years, even at the public expense.

Mr. Monroe was nearly six feet in stature, well formed, light complexion, blue eyes. His countenance had no indications of superior intellect. He was a respectable looking man of that order called *common*. He was a very laborious and industrious man; and may have compensated in some degree by diligence, for deficiencies in ability. He was the third Ex-President who died on the 4th of July. He died in New York in 1831, at the age of 73.

Mr. J. Q. Adams went to Russia in the summer of 1809, as minister by Jefferson's appointment. He remained there until

his appointment in April, 1813, to be a negotiator of peace at Ghent. After the peace was made, he was appointed minister to England in February 1815, and went thither, and remained until he returned to be Secretary of State under Mr. Monroe in March, 1817. He continued in this office during Mr. Monroe's eight years, and became a candidate for the Presidency, and was elected by the House of Representatives in Feb. 1825, there being no choice by the Electors. While he was Secretary, General Jackson carried on the Seminole war, which occasioned some *sharp* diplomacy with Spain. It was in this war that General Jackson *hung* a couple of English subjects, (Arbuthnot and Ambrister,) a most extraordinary proceeding, to which some persons have given a most opprobrious appellation. Mr. Adams is understood to have approved of the General's conduct in this war. It had not Mr. Clay's approbation, who made some memorable speeches in the House of Representatives on this subject. On the eve of the Presidential election, (October, 1828,) Mr. Adams published a new edition of those charges against his fellow-citizens in New England, which he had confidentially communicated to Mr. Jefferson about twenty years before. This led to a correspondence between Mr. Adams and some surviving federalists, in which he was requested to furnish his *proofs*. This he declined to do. This correspondence was published in a pamphlet. Mr. Adams was a candidate at the next election, but *the reign* of Andrew Jackson began on the 4th of March, 1829, and still continues.

LETTER LXX.

February 5, 1834.

There are many citizens in the United States who have come to manhood since this century began, and who sincerely believe

that the *Federalists* were an unprincipled and odious faction. They have derived this belief from vague traditions, or, perhaps, from such speculations as are found in Mr. Jefferson's volumes. If the day for vindicating federalists has not come, they may safely trust their fame to the tribunal of posterity, and may have no fear there, in asking judgment, whether they, or Mr. Jefferson, are entitled to respect and gratitude. To aid in producing a just and righteous judgment will be the purpose of the residue of these pages; and to this end facts must be stated, which no one, who pretends to know anything of the history of this country, can deny.

There were intelligent and honest men who hazarded their lives in the field, or councils, or in both, to free this country from the monarchy and tyranny of Great Britain. A large proportion of these men united to form for thirteen free, sovereign and inpependent states, an elective, national, republican government. The powers of this government were carefully limited and defined; and all powers not expressly, nor by necessary implication delegated, were reserved to the states, or to the people. The members of the convention, who deliberately framed this system of government, with very few exceptions, united with other eminent citizens in recommending it to the people of the states. Most of these members were in the state conventions, where the constitution was discussed; and by their efforts in these conventions, and by appealing to the good sense of the people through the press, and by all other proper means to which they could resort, they obtained, against powerful opposition, the acceptance of this constitution; and thus formed the national union. The men who thus resisted English monarchy and tyranny, and who thus formed this republican and national union, were FEDERALISTS.

The President of the convention, (which framed this constitution,) must have been well informed, by the discussions which he heard, of the true meaning and practical application of every sentence and phrase in that instrument. He was the first President of the United States, selected to execute the powers which

that instrument conferred. The Senate and House of Representatives were composed of men, many of whom had been zealous patriots throughout the revolutionary struggle, and most of whom had been members of the national, or state conventions; or who were otherwise informed of the true meaning and intent of the constitution. The first Vice President was a man who had devoted himself to the cause of the revolution, and who may be said to have stood second to no one in efforts, as a civilian, to free the country from foreign dominion, and to enable it to govern itself, as a republic. The President, the Vice President, and a large majority of both branches of Congress were FEDERALISTS.

This new form of government was organized. All the various powers delegated by the constitution were defined by wise laws, and carried into effect. The whole country arose, almost miraculously, from a state of confusion, despondency, idleness, and imminent peril, to one of peace, confidence, industry, security and unexampled prosperity. The wreck and ruin, which the revolutionary struggle brought on, both of private and public credit, disappeared; and all the benefits, which those who led the country through the revolution had desired, or imagined, were fully realized. The people of the United States, in their new and flourishing republic, took their place among the nations of the earth. This was the achievement of FEDERALISTS.

In the first twelve years of the national administration, the wars of Europe hazarded the peace of the United States. The aggressions of the belligerents, the insolent and seductive character of French enthusiasm, secret combinations, and claims for gratitude (to revolutionary France) called for all the firmness, wisdom and personal influence of WASHINGTON; and for the best exertions of his political associates, to save the United States from the loss of all the benefits, which had been acquired by previous toils and sacrifices. Compensation for wrongs was amicably made by one of the belligerents, and a treaty, highly beneficial and honorable, was negotiated and ratified. With another, peace and compensation were sought, and insolently denied; all connection by treaty

was annulled; the attitude of war was assumed; and then the rights of the country were immediately recognized, even by fraudulent and unprincipled France. The prosperity of the country, and the benefits of enriching neutrality were secured, amidst all the desolating conflicts of Europe. This was the work of FEDERALISTS.

How, then, should it have happened, that the very men, who hazarded all that was dear to them, to prepare their country for republican freedom; who triumphantly succeeded in their efforts, and who blessed the nation with the best form of government which human wisdom could devise, and raised their fellow-citizens to security, honor and prosperity, unexampled in the history of the world, should have been suddenly converted into monarchists; and into enemies and destroyers of their own monuments of glory? A rational motive must be found for such a supposed change. It must be a motive founded in the perversions to which the human mind is liable; and that perversion must arise from interest; and interest must be found in the hope of acquiring some good for one's self, or in inflicting some evil on others. What good could the founders of a republican union promise themselves, so soon after its foundation, in destroying it, and in erecting a monarchy, even if such a measure were possbile; or even if it were a change to be had by merely willing it? Then, what evil to others could they have meditated, which would not have fallen equally on themselves? Usurpation was impracticable. A perversion of legislative and executive power, to accomplish such designs, involves the absurdity that the great body of citizens were ripe for such a change.

The true cause of the odium attached to the name of Federalist, is to be found in the natural and malignant feelings of opponents. At the head of this opposition was Mr. Jefferson. He desired the overthrow of federalists, that he and his party might reign. The means were obvious; they were such as he and his associates may have thought honest and right. There is little doubt that he thought of federalists as he spoke and wrote; and as little,

that he thought it honest and right, through the press and by the exertion of his own personal influence, to lead the mass of citizens to distrust, to fear and to hate federalists. He well knew the means of doing this. He appealed to the prejudices and delusions of those whom he was pleased to call THE PEOPLE; he told them of burdens which they never felt; of usurpations and misapplication of power, which had no basis but in his own imagination. He associated himself with the lowest order of popular deceivers. He triumphed and became President, and officially confirmed all that he had done as an individual. He applied the constitutional power, vested in him, to establish *the dominion of* PARTY, under which the United States have been struggling ever since. The effect of his exercise of power, on the welfare and morals of the people, is shown in the present condition of the United States.

Mr. Jefferson, in enumerating his own merits, claims the gratitude of his countrymen for his excellent achievement in "making head" against federalism, and in finally destroying its dominion. In all this Mr. Jefferson was sincere and honest; and died in the belief, that he was a great and good patriot, in having made the monarchical founders of the national union, the enemies of France and the friends of England, (as he viewed them,) odious to a majority of his fellow-citizens. Most of this majority were little competent to judge, whether Mr. Jefferson was credible in his maledictions or not. Less of their number were competent to judge, whether the measures of federalists were adapted to promote the honor and the happiness of the nation, or not. It was satisfactory to this majority, that the great and good Mr. Jefferson said they were not, and that the authors of them were traitors and monarchists.

So fell federalism; not from its want of talent, integrity or patriotism; not for its perversion of power; but as the Spartan band fell at Thermopylæ beneath a mound of arrows, so fell federalism beneath a mound of calumnies and slanders, of which Thomas Jefferson was the maker or patron. The name became

so odious that it was abandoned. It ought ever to have been the most honorable that any citizen could wear. Mr. Jefferson thought otherwise; and doomed all federalists to struggle in the ranks of opposition under whatsoever name they could assume.

"*Federalist*" meant no more than attachment to the national union, in contradistinction to those who were opposed to it. Like whig and tory, democrat and jacobin, it signified the principles and actions of a political class. In this relation, federalism ever meant this, and this only, a pure and righteous administration of national and state governments, in strict conformity to the established constitutions. So federalism will be considered in history, and as such will be honored by future generations.

No exemption from human frailty is claimed for federalists. They were a political party. Mr. Jefferson and his associates compelled them to be such party. They may, or may not, be thought to have acted prudently in some respects; and especially, in passing the alien and sedition laws. They thought that the acts of those whom Mr. Jefferson befriended and patronized, endangered the safety of the country, and forced these measures upon them. It is believed that they were right. Whether they were so or not, in these measures, were they an exclusive, vindictive party? Did they turn any man out of office merely for political opinions? Did they make it an indispensable qualification for office, that a candidate should have vowed allegiance to them and hostility to their adversaries? Did they combine postmasters, revenue officers, clerks, printers and every grade of diplomatic and executive agents, in one solid body, to uphold them, *right* or *wrong*? These were not the acts of *federalists*.

The perversions and misrule of party power under the two Presidents, Jefferson and Madison, called forth the patriotic exertions of federalists. Some were in Congress, some in state legislatures; and, sometimes, a federalist was in the chief executive station in some of the states. Many, in private life, could not be tame and silent spectators of the ruinous measures which these two Presidents recommended or adopted. What these federalists

did, as opponents of Jeffersonism, is no less to their honor and credit, than their efforts to establish a government, which these two Presidents, under the guidance of party zeal, did all but annihilate.

It remains to say something of the individuals who did themselves equal honor in founding and sustaining the republic; and in opposing the perverse measures of Jefferson and Madison. To these individuals we are indebted, that there is still such an institution as the national republic of the United States.

LETTER LXXI.

February 10, 1834.

The writer of these sketches well knew all the men in Massachusetts who were engaged in public life during the administrations of Mr. Jefferson and Mr. Madison. He has heard all of them express their opinions on the state of the country, in those days, in public and in private. With some of them he was intimately associated, and knew their thoughts on all subjects of a political character, as certainly as thoughts can be known, where there is unreserved confidence, and a common interest on the same subject. He never heard, from any one of these men, any opinion hostile to the national constitution or the union of the states; but from all of them, a most unqualified and zealous devotion to the preservation of both. He has heard from all of them, the most decided disapprobation of the public policy of which they were opponents. They were, one and all, from interest, duty and principle, *constitutional republicans*. Yet they were called monarchists, Anglomen, disorganizers and traitors, because they warned their countrymen of the errors and follies of national rulers.

When Thomas Jefferson first became President, CALEB STRONG was Governor of Massachusetts. He was born in Northampton, in 1744; educated at Harvard University; by profession a lawyer; and was actively engaged in the first scenes of the revolution. As early as 1775, when he was only 31 years of age, he was a member of the committee of public safety. He was in public service during the whole of revolutionary times; a member of the convention which framed the federal constitution, and of that which adopted it in his native state. He was senator in Congress in Washington's time; governor of Massachusetts from 1800 to 1807, and again elected in 1812, and continued in that office during the war. He refused to give up the militia called for at the beginning of the war, because, in his opinion, the call was not warranted by the constitution. In this opinion he was sustained by that of the Supreme Judicial Court. Governor Strong was a tall man, of moderate fullness, of rather long visage, dark compexion and blue eyes. He wore his hair loose, combed over his forehead, and slightly powdered. He had nothing of the polish of cities in his demeanor, but a gentle complaisance and kindness. He was a man of strong mind, calm, cool judgment, and of purest character throughout his life. Perhaps no man in the United States could have been so unlike a monarchist and a traitor as Caleb Strong.

His successor, JOHN BROOKS, was born at Medford, in 1752. By profession a physician, though not favored with a liberal education. He engaged very early in the revolutionary war, and acquired celebrity; and was much distinguished at the capture of Burgoyne. He attracted the notice and enjoyed the confidence and friendship of Washington. He was often a member of the legislature, and was adjutant-general under Governor Strong, in Mr. Madison's war. Without high pretensions to intellectual distinction, he was a man of practical wisdom, sound judgment, and of pure and elevated mind. No man was more esteemed and respected than John Brooks. He was of middle stature, well formed, and of soldierly dignity of manner. Mr. Jefferson

does not mention John Brooks by name, as one of the "worthless and disaffected," but he was of the denounced class of citizens.

Christopher Gore is specially named as one of the Anglomen and traitors. He was born in Boston, in 1758, educated at Cambridge, and became an eminent lawyer. He was one of the convention that adopted the constitution, in which he took an active and honorable part. He was the first attorney of the United States, for the Massachusetts district, under the new constitution. In 1796 he was appointed a commissioner to settle the claims for British spoliations under Jay's treaty. He was eight years in England in this employment. On his return, so acceptable had been the performance of his duties in that station, that the most respectable persons united in a festival to do him honor; and a more sincere and cordial testimonial of respect and esteem was never given to any man. He was in the Senate of Massachusetts for two or three years after his return. One of the ablest papers that appeared on the orders in council and the decrees of France, and on the manner in which these had been treated by the national government, was drawn up by him, in the form of a report on a memorial of citizens to the legislature. There are many other public documents from his pen. In 1809 he was chosen Governor. His speeches, in that office, are to be considered in relation to Mr. Jefferson's commentaries on Governor Gore's political tendencies. In 1814 Mr. Gore was senator in Congress from Massachusetts, where he remained about three years, and then withdrew from all public employment. Mr. Gore was rather tall, and, in middle life, of full person and erect, but began to bend forward at an earlier age than common. He was bald on the whole upper surface of his head, at an unusually early period. His hair was tied behind and dressed with powder. His face was round and florid, his eyes black; his manners courteous and amiable. His eloquence was dignified and impressive. In all his relations and deportment, he had the bearing of a polished and well-bred gentleman. With his intimates he was free and social, and had, and deserved to have, many affec-

tionate friends. Mr. Gore was a man of very considerable wealth, portions of which he bestowed munificently by will to public institutions, and especially to Harvard University. One can readily see, why a man so circumstanced in the world, should desire that the Union and the national constitution should be preserved, and the latter righteously administered; and it is impossible to discern any motive which such a man could have, for desiring to introduce popular commotion and anarchy. But it is easily to be perceived why Mr. Jefferson may have found it convenient to make such an opponent odious.

One of the eminent men whom Mr. Jefferson is particularly disposed to notice as a monarchist and Angloman, (Mr. Jefferson's favorite name for those whom he considered to be of the English faction,) was GEORGE CABOT. This gentleman was born in Salem in 1752. Before he was 26 years of age he was a member of the Provincial Congress of Massachusetts. In 1787–8 he was a distinguished member of the state convention, on the federal constitution; and for several years senator in Congress. The latter years of his life he was sometimes in the state legislature, and in the executive council. In the deplorable distress, caused by Madison's war, Mr. Cabot consented to be one of the Hartford Convention, in which assembly he was President. Mr. Jefferson had the strongest inducement to depreciate Mr. Cabot, for no man saw more clearly the motives of Mr. Jefferson and the consequences of his policy. All the party malignity Mr. Jefferson felt for Hamilton, was extended to all Hamilton's political friends, and to none more than to Mr. Cabot and Mr. Ames, who accorded entirely with Hamilton, in his views of national policy. It is no easy task to describe George Cabot in a manner worthy of him, and adapted to make known by words, what he was, as a statesman, a man of information, a patriot, a citizen and a gentleman. His early days were passed in the usual seminaries; and he was for some time at Cambridge University, but left it in his boyhood, for the purpose of qualifying himself for a life of business. He became his own teacher, and for the high elevation, to which he

afterwards attained, he was indebted to his own cultivation of his extraordinary powers of mind. The state of the country and the deep concern which he took in its prosperity, directed his attention to the great public interests. One who had the best opportunities to know him, (Dr. Kirkland,) thus describes his qualities: "His mind was at once comprehensive and discriminating; full, yet accurate. He was sagacious and acute in disentangling involved and difficult subjects; knowing how to separate appearances from realities; to distinguish the probable, the true, the practical. The materials, that constituted his intellectual store, lay in his mind in methodical arrangement, ready to be applied to their proper uses, for argument, persuasion, colloquial communication, or the conduct of life."

On national subjects which engaged the public attention in the first fifteen years of this century, no man thought more, or more profoundly and justly than Mr. Cabot. He was listened to with the highest respect and confidence by the most eminent men of the time; and by no one more than his intimate friend Mr. Ames. No one left Mr. Cabot's presence without being made wiser, if he was capable of being instructed. Not only were the treasures of his mind frankly and freely poured forth, but with a clearness and elegance of expression, and in tones so captivating, that no parallel case can be mentioned.

His life was as pure and blameless as his intellectual powers were transcendent. He had manifested in all his public relations, an ardent zeal for the constitution and the Union; all his hopes of welfare and personal consideration rested on the republican experiment that his country was making. No one desired more sincerely that the experiment should be successful, and, consequently, no one felt more keenly the defeat which Jeffersonism threatened to effect. Of that system of policy he was seriously and conscientiously an opponent. In proportion to his influence was the measure of calumny.

Mr. Cabot is most affectionately and respectfully remembered, by all who had the honor and good fortune to enjoy his friend-

ship. But they who knew him are passing away; the remnant is daily diminishing; and it is sorrowful to feel assured, that so little will be known in distant times of one whose counsels, while living, were held in the highest veneration. It is to be regretted that there is nothing preserved of so rich and prolific a mind, but in the memory of those who are also soon to pass away.

Mr. Cabot was a tall man, well formed, of courteous and elegant manners, and refined aspect; his complexion light, his eyes blue; his mode of speaking in colloquial intercourse, serious and earnest, but not vehement. The dress of his thoughts was clear, strong and appropriate, and every sentence apparently incapable of amendment.

It was such a man that Mr. Jefferson would send down to posterity as a monarchist, disorganizer, and enemy of his country.*

To these four names, (Strong, Brooks, Gore and Cabot,) might be added hundreds of others no longer among the living, comprising lawyers, merchants, farmers and mechanics, as well known in their respective spheres as these four were; all of whom thought, on national subjects, as these four thought; and all of whom were, conscientiously, opponents of Jeffersonism; and all of whom were, consequently, monarchists, disorganizers and traitors. These men, one and all, regarded with abhorrence the reign of French jacobinism in Europe, and were indignant at seeing Mr. Jefferson's efforts to transplant, or to engraft it on American stock.

These four have not been selected in disregard of others, not less respectable and worthy, but because three of these four be-

* It is well remembered to have been one of Mr. Cabot's opinions, that this country must, sooner or later, submit, (as in ancient republics,) to the termination of freedom through popular delusion. He thought the natural action of this spirit was most terrible in small communities; and that the prolonged safety of this country would be found in the diffusion of its inhabitants over a wide surface. He was, therefore, for continuing the unity of the American people, and avoiding the evils of party feeling, when limited to narrow spaces and to small numbers.

gan with the American revolution, and labored through it; because one of them was a framer of the national constitution; all four of them strenuous advocates for its adoption; three of them officers under it; and all of them in high offices under the state constitution. The election of such men, by those who knew them well, is some evidence of their intelligence and virtues.*

Such men Thomas Jefferson charges with plots and combinations to subvert the institutions which they had established; and at the very time when their purposes were in successful experiment under their own direction. On the continued success of this experiment depended their fame, their property, their personal welfare, the prosperity and happiness of their friends and kindred.

What, then, was Thomas Jefferson's motives? Was he fraudulent and base? Probably not. He was under the delusion which beguiles a vain, wrong-headed, selfish party man. It is such men who have overturned all former republics. They substitute themselves and their party for the country, the people, the laws and the constitution; and are, at last, forced into despotism, whether they so intended or not.

LETTER LXXII.

February 16, 1834.

There are three persons whom Mr. Jefferson is pleased to distinguish with peculiar emphasis in his writings, viz., Timothy Pickering, John Lowell and Stephen Higginson. Mr. Pickering was in the public service from the commencement of the revolu-

* Caleb Strong died in 1820; George Cabot in 1823; John Brooks in 1825; Christopher Gore in 1827.

tion, almost to the close of his long life, in various and in honorable stations. He proved himself to be an able man in all of them, and an officer of incorruptible integrity. This gentleman has but recently deceased; and there are so many now living who knew him well, and who speak of him with the highest respect, that it must be left to those who are so much better informed than the writer of these sketches can assume to be, to do him justice, if they think Mr. Jefferson's remarks worth noticing. It must strike them as ludicrous, that a man, who might be selected as a model of republican simplicity and directness, should be publicly charged with plotting, (in conjunction with a London merchant of singular retiredness of deportment in all things but his mercantile concerns,) to subject his own country to British dominion. Mr. Jefferson may have known how such affairs are managed; but it is believed that the British ministry and federalists were equally strangers to such modes of managing public interests. The absurdity of supposing that the British could carry any designs which they may have had, by *corrupt means*, or that any distinguished members of the federal party imagined they could accomplish any British purpose through such means, is too glaring to have found admission to any but a distempered mind. The case was much otherwise with the *French*. The miseries to which they subjected other nations, were the consequences of *management* no less than of *force*.

There is a very remarkable record in Mr. Jefferson's 4th volume, page 514, under date of December 25, 1800, concerning the two other persons before named,—John Lowell (sen.) and Stephen Higginson. Though there is no pleasure in copying Mr. Jefferson, this record cannot be understood without taking the whole of it together.

"Colonel Hichborn *tells me*, what Colonel Monroe *had before told me of, as coming from Hichborn*. He was giving me the characters of persons in Massachusetts. Speaking of Lowell, he said, he was in the beginning of the revolution a timid Whig, but as soon as he found we were likely to prevail, he became a great

office hunter. And in the very moment of speaking of Lowell, he stopped: Says he, I will give you a piece of information, *which I do not venture to speak of to others.* There was a Mr. Hale in Massachusetts, a reputable, worthy man, who, becoming a little embarrassed in his affairs, I aided him, which made him very friendly to me. He went to Canada on some business. The Governor there took great notice of him. On his return, he took occasion to mention to me, that he was authorized by the Governor of Canada to give from *three to five thousand guineas*, each, to himself, and some others, *not to do anything to the injury of their country, but to befriend a good connection between England and it.* Hichborn said he would think of it, and asked Hale to come and dine with him to-morrow. After dinner he drew Hale fully out. He told him he had his doubts, but particularly, that he should not like to be alone in such a business. On that, Hale named to him four others who were to be engaged, two of whom, said Hichborn, are now dead, and two living. Hichborn, when he had got all he wanted out of Hale, declined in a friendly way. But he observed those four men from that moment, to espouse the interests of England on every point and on every occasion. Though he did not name the men to me, yet as speaking of Lowell was what brought into his head to tell me this anecdote, *I concluded he was one. From other circumstances respecting Stephen Higginson, of whom he spoke, I conjectured him to be the other living one.*"

"December 26th. In another conversation, I mentioned to Colonel Hichborn, that, though he had not named names, I had strongly suspected Higginson to be one of Hale's men. He smiled and said, if I had strongly suspected any man wrongfully, on his information, he would undeceive me: that there were no persons he thought more strongly to be suspected himself, than Higginson and Lowell. *I considered him as saying they were the men.* Higginson is employed in an important business about our navy."

A personal friend of the late Judge Lowell, and of the late Mr.

Higginson, has favored the writer with the following remarks on the foregoing extracts:

"This most extraordinary accusation was entered in Mr. Jefferson's diary in 1800, twenty-five years after the supposed and imputed transactions and crimes; it was carefully concealed by Mr. Jefferson during his whole life, and left to be published to the world half a century after the supposed transaction; and when, from Mr. Jefferson's uncommon longevity, it was absolutely certain that there could not be a single surviving witness to an accusation so solemn, and, if *unfounded, atrocious.* It was upon its face a case, in which a man indulged his passions, to gratify his own personal hatred towards men who differed from him in political opinions. This should not be forgotten. As to the degree of unfairness, and we may add baseness, of leaving a posthumous charge on record against men of as high and honorable character as any in New England, and who enjoyed always the entire confidence of the intelligent and astute people of the state of Massachusetts, every man can form an opinion for himself. When history can be so much corrupted and defiled, that a man consulting his own passions, and governed solely by his personal prejudices, shall be permitted to state, as facts, such idle and unfounded surmises, after the demise of his friends and coadjutors, surely there is no security for the truth of history, or for the character of individuals employed in the great concerns of a nation.

"But, to analyze this most licentious, and, in its form and circumstances, most improbable story: 'A Mr. Hale,' without a Christian name, without any description of residence to enable the accused parties to identify him, and utterly unknown to any man now living, applies to Colonel Hichborn, and admitting that he had himself received a bribe of three thousand guineas from the Governor of Canada, proposed to bribe the Colonel himself. This, he says, was owing to great favors, he, (Colonel Hichborn,) had rendered to Hale. The Colonel, after this base offer, invites Hale to his table, and learns from him, that four other persons had

received bribes, and, therefore, the Colonel need feel no delicacy in following the example. The Colonel's own sense of honor and patriotism forbade him to accept the bribe. He had not the courage and hardihood to announce to Jefferson the names of the guilty parties, even in 1800, twenty years after the supposed events. Jefferson presses him to name the parties in vain, and therefore he suggests to the Colonel who they were. The Colonel replies in an oracular style, and Jefferson 'concludes' and 'conjectures' that Lowell and Higginson were the men intended by Hale. Thus he commits to posterity, on the credit of Colonel Hichborn, and on his own *conjectures*, (which Hichborn, the most fearless and dauntless of men, did not venture to disclose,) a charge against Judge Lowell and Stephen Higginson, amounting to treason. To be sure, both of these men afterwards enjoyed, during their long lives, the confidence of all who knew them. To be sure, they were among the most active revolutionary patriots. They were, moreover, the personal friends and coadjutors of Jefferson himself, as can be proved by their correspondence; still this did not hinder Mr. Jefferson, at the end of fifty years, a half century after the supposed events, from committing this atrocious charge against his co-patriots and personal friends *to paper*, to be published after his decease.

"Mr. Jefferson was a lawyer and a very sagacious man. He was perfectly capable of weighing evidence. How, then, could the following queries have escaped him? And why should he not have put them to Colonel Hichborn, if his only object was the *truth*?

"Colonel Hichborn, that Mr. Hale, whoeverhe might be, avowed himself to you to be a purchased traitor. He had received, he told you, his three thousand guineas for the sale of his principles. He was, by our law, subject to death as a traitor. You were his confidential friend. Why did not you denounce him at once to the committee of safety, or to the attorney-general of the state, or to the grand jury? You were guilty of misprision of treason. This is not all; you ought to have denounced, openly

and frankly, Higginson and Lowell. They enjoyed the highest confidence in our republic. They were not only members of the legislature of Massachusetts, but were both of them unanimously elected members of the revolutionary Congress, and one or the other of them continued in these important stations till the peace. Why did you not alarm the republic? You hated, with as deep and cordial a sentiment as a man could do, Stephen Higginson; but you admired, courted, and praised John Lowell till his death. How, then, can I reconcile your story with your patriotism? How, in the bitter times which followed the revolutionary war, can I reconcile your silence with truth? Did you not go out with Stephen Higginson as your second in command, to suppress the insurrection of 1786, and did you ever lisp a word against him till now? Sir, I doubt your story.

"Such would have been the reflections of an honest mind. Such were not those of Mr. Jefferson."

Such are the views of one who knew Judge Lowell and Stephen Higginson much better than the writer could have known them. Setting aside the improbable occurrence, that the Governor of Canada would first corrupt an obscure individual, and then trust him with fifteen or twenty thousand guineas to corrupt others, it is quite incredible that two such men as Lowell and Higginson were ever known to be, would trust their fame to "a Mr. Hale." It is very uncertain what Colonel Hichborn told Mr. Jefferson, with the preface that he would tell no one but him, though he had before told the same thing to Monroe, who had told it to Jefferson. It is still more uncertain what was told, for the reason that Mr. Jefferson *says* it was; because it is *proved*, that Mr. Jefferson had either such a memory as he says Washington had, (always bad and growing worse,) or that he *could* record "false facts."

There is a striking absurdity in Mr. Jefferson's own statement. These "three to five thousand guineas each" were to be given to men, as a *bribe*, for what? "*Not to do anything to the injury of their own country, but to befriend a good connection between Eng-*

land and it." It is much to be regretted that "a Mr. Hale" did not bribe Mr. Jefferson with the whole amount, if he could have been thereby induced to act in conformity to the Governor's proposal. It was his duty "to befriend a good connection with England," as Washington did, as well as with all other nations. He pursued on all occasions precisely the opposite course. And as to doing "nothing to the injury of his own country," surely, no man above or below its surface, (not even excepting Andrew Jackson,) has done it so much injury.

But it is feared that this calumny has been treated with much more seriousness than it deserves. It would not have been noticed at all, but for the purpose of presenting Mr. Jefferson in one more aspect of his own choosing; certainly, not to vindicate either of the gentlemen so accused. They need no vindication but that which the *record* carries in itself.

John Lowell was an eminent lawyer, and in full practice at the commencement of the revolution. He continued his practice during the war, as counsel for merchants and others, who were zealous on the patriot side. He was a member of the old Congress; and on the adoption of the federal constitution, was appointed District Judge in Massachusetts, by President Washington; in which office he continued, until appointed Chief Justice of the Circuit Court, in 1801, by Mr. Adams. He remained in that office until Mr. Jefferson caused that court to be abolished, in 1802, in which year Judge Lowell died, at the age of about 50.

Judge Lowell was one of the most amiable, pure and honorable men that ever lived. He was a true constitutional federalist, and expressed his opinions as such. But his judicial character, and his own sense of propriety, prevented him from engaging in political controversies. Mr. Jefferson could not have made a more unfortunate selection of a man to receive "three to five thousand" British guineas, than Judge Lowell.

Stephen Higginson was an eminent merchant; an intimate friend of George Cabot; and was undoubtedly chargeable with the twofold sin of being a stanch Washingtonian federalist, and a

most sincere and inflexible opponent of the Gallic-American policy of Mr. Jefferson. He was navy agent of the United States, from the first beginning of the navy, until he was dismissed to accommodate one of Mr. Jefferson's partisans. Mr. Higginson was a man of strong, clear mind, of simple, serious manners, and very competent to understand the character and tendency of Mr. Jefferson's measures. He was a man of habitual reserve and few words, except among his friendly associates. To any one who knew Mr. Higginson, there can be nothing more palpably absurd, than to suppose him a purchased man in a scheme of intrigue and treason. Mr. Jefferson has been very unlucky in his selection of men, in this quarter, for political knaves.

Colonel Hichborn was a lawyer, and was of the Jefferson party; he was a man of very varied fortune. He well knew Judge Lowell and Mr. Higginson, and both of them well knew him. And though Colonel Hichborn may not have felt much restraint in discussing the characters of political adversaries, (apparently a favorite vocation of Mr. Jefferson,) it is very doubtful, from Mr. Jefferson's own record, whether Colonel Hichborn intended to convey the opinions which Mr. Jefferson intended to make *credible*, by his adoption, or, more properly, his *creation* of them.

LETTER LXXIII.

February 25, 1834.

The number of distinguished men who appeared at the close of the last and the beginning of this century, is so great, that it is a delicate matter to decide, who among them should not be mentioned, as all of them cannot be. It may be safest, not to

add to the number of those who have been mentioned; but there are some who held so conspicuous a rank, that they should not be passed over; especially, as in mentioning them, a deserved homage will be rendered to the human mind. In these instances there are seen two men, both of whom are entitled to be called *great*, both eminent lawyers; the one rich in the knowledge of other men's thoughts, as well as of his own; the other rich in knowledge for which he was little indebted to other minds, and most of which he *created* in his own. These were *Parsons* and *Dexter*.

Theophilus Parsons, the son of a clergyman, was born in Byfield, Mass., February, 1750. He was educated at Cambridge, and is said to have been an uncommonly hard student while there. He kept school at Portland, and was admitted to the bar at that place. When Portland was burnt he went to his father's at Byfield. The learned Judge Trowbridge, who lived in Cambridge, retired to the same town during the war, and carried with him his law library for *amusement*. As professional books were difficult to be had, Mr. Parsons availed himself of the Judge's books and conversation; and studied so intently as to impair his health, and to make the continuance of his life exceedingly precarious for many years. He became an invalid, very thin in person, and an afflicted hypochondriac. The extreme care which he manifested in after life in guarding his person, may have arisen from these early solicitudes. After the war, he opened an office in Newburyport, and soon became eminent. He afterwards removed to Boston. In 1806, on the resignation of Chief Justice Dana, he was appointed to the vacated station, and held it to the close of his life, October 30th, 1813, when he was 63 years of age.

He was the most learned lawyer of his time; and was called the giant of the law. He comprised in his professional attainments, among other things, a full and accurate knowledge of the common law, civil, maritime and ecclesiastical law, the law-merchant, the statute and common law of his own country, and the law of nations. He retained all the learning which he thought it

necessary to acquire, and, from the methodical order of his mind, all he knew was ever familiarly at his command. His speeches to juries and judges were neither eloquent nor elegant, in anything but pertinency and argument. They were never long, and he was among the few who could discern when they have said enough for their purpose. His eloquence was earnestness, his manner easy, familiar, persuasive, and never vehement. It is not remembered that he ever used a brief; his memory was his brief, and the best one that a lawyer can use.

His presidency on the bench was an era in judicial ability, and in despatch of business. It would be assuming too much to pronounce on the character of his judgments. Very few of them have not been approved by the able minds which have since been employed on the same subjects. Some of them have been especially respected for their explanatory and illustrative notice of what may be distinguished as the common law of the state. There may be different opinions as to the *manner* in which he performed his official duties. It satisfied him, that a case was rightly disposed of, whether the counsel and parties were, or were not satisfied with the despatch with which it was done. If he thought a case needed no argument, he was not disposed to hear any. However much the patience of judges and jurors may sometimes be exercised, litigants win, or lose cases with much more complacency, if the matter has been well "spoken to." It is a trait in the character of Yankees, that they like a close warfare of words, especially when they pay money to have it; and they like to have their wranglers for hire "hold on." But the Chief Justice, by intuition, or some process analogous to his familiar use of algebraic deduction, saw what the end must be; and was impatient of the slow process by which inferior minds arrived at it. It is doubtful, whether it is best for a judge, or for the community, that he should know much more and discern much more rapidly, than any or all around him, when engaged in the administration of justice. Whatever may be

thought of such matters, Chief Justice Parsons was one of the most learned and able judges that ever appeared in any court.

His political life was not distinguished. He is said to have had a distaste for political controversy. It was not congenial to the character of his mind. He was of the convention which framed the Massachusetts constitution, and of that which adopted the national one. In both these assemblies he held a high rank, and was the inferior of no man whom he met therein. On extraordinary occasions, he sometimes accepted a seat in the state legislature. He was an original and thorough federalist; and, consequently, understood and condemned Mr. Jefferson's theories and practice. As Mr. Jefferson was curious and diligent, as to friends and foes, and loved to *discuss character*, he ranked Judge Parsons among the enemies of the country. No doubt this gentleman kept very bad company, in Mr. Jefferson's opinion; for he was the intimate associate of such men as Cabot, Lowell, Higginson and Ames; and (which must have been conclusive with Mr. Jefferson), he was appointed Chief Justice by Caleb Strong.

As a scholar and a man of science, (especially in Greek and mathematics,) there is unquestionable evidence, from the most competent judges, of his very high attainments. These studies were his amusements; but he also read and delighted in the current literature of the day, and, it is said, that he was as well read in novels and romances, as in the law.

Mr. Parsons was one of the most unremitting and incessant students that ever lived. When not called off by business, his daily habit was to sit and study, from twelve to fifteen hours a day, all his life; and this without exercise or relaxation. Great lawyer as he was, he did not study law from the love of it. He left a great mass of manuscripts, comprising classical literature, a Greek grammar, professional essays, and on mathematics and astronomy; the two latter subjects and natural philosophy being his favorite studies. On such subjects he had collected a very considerable library; and had also an extensive

and valuable collection of optical and philosophical instruments. It is said that he published nothing, and did not intend anything that he wrote for publication. Nothing was left in condition for the press; so that nothing remains of this great mind but his official judgments.

It is grateful to know that such a powerful mind as Judge Parsons had, was applied with all its force on the truths of Christian revelation. He is said to have examined this subject with the acute and discriminating ability which marked all his intellectual action. He publicly professed his belief in Christianity, and closed his life in that belief.

He was a man of six feet in stature, of full person, but rather small lower limbs. It was not till he was about fifty, that his fullness of person occurred. His face was round and full, his complexion sallow, his eyes large and blue. He affected no elegance of manner or dress; in the latter he was indifferent, if not careless. He often wore a colored silk handkerchief around his neck and over his coat. He wore a brown tie wig, the hair coming down in front almost to his eyebrows; and his own hair sometimes appearing from behind. He had a very keen, intent look when making, or listening to an argument, and this appeared to be the more so from his habit of drawing his chin towards his breast, and looking almost through his eyebrows. This position of his head was probably acquired by his sedentary habit of study. The expression of his tranquil face was amiable and pleasing. In his day, at the bar, there was often a keen and close encounter of wit and sarcasm; seasoned a little, sometimes, with political excitement, and, sometimes, arising to passionate expression. But Mr. Parsons did not lose himself on these occasions.

He was naturally liable to passionate excitement. When he was about thirty years of age, he gave way to a very justifiable cause of violent anger. This happened in the presence of his wife, who was so much affected as to faint. He then resolved, never in his life to give way to passion, and, it is said, he never

did. It has been thought that all men of very exalted intellect, are, by nature, liable to violent passions. Certainly, there are many such cases; but there are also many cases of passionate persons of very inferior minds.

In private life and social intercourse, he was an amiable man, of very easy familiar manner; and was very gracious to his young brethren. He loved good stories and told them well; was full of apt anecdote and pleasant wit, and was ready and sharp at repartee. He laughed heartily, but inwardly, and with his lips closed.

This eminent man had something of a defect not uncommon with "giant" minds. Though the ends which he desired to accomplish were such as ought to be accomplished, he thought inferior minds should be *managed*. The suspicion that he was disposed to management, impaired his influence. Ingenuity in leading inferior minds to assent, where it is proper that they should do so, is not an uncommon trait in men of superior intellect. It is a sort of homage which such intellect pays to itself. But contempt and management are not readily forgiven, even by the most inferior. All that is true in this respect of Mr. Parsons, probably came to no more than this: that he was adroit in accomplishing commendable purposes, which is a merit; and not that he *managed* to attain improper purposes, which is adding one vice to another. Enough, perhaps, has been quoted from Mr. Jefferson's writings, to show what sort of a *manager* he was.

The successor of Chief Justice Parsons was *Samuel Sewall*, of the ancient and distinguished family of that name. He was a native of Boston, but had resided for many years at Marblehead. He had been a member of Congress, and thirteen years on the bench, when appointed Chief Justice. He held this place but a few months. He died at Wiscasset, while on the circuit, instantly, and without any previous illness, June, 1814, at the age of 57. He is supposed to have had some disease of the heart. He was below middle stature, and of rather full person. His manners were those of a gentleman, amiable and courteous.

He was a learned lawyer, and was highly esteemed and respected. If his judicial opinions had any defect, it was in the want of clearness and simplicity.

Chief Justice Sewall was succeeded by *Isaac Parker*, a native of Boston. After admission to the bar, he removed to Castine, and thence to Portland. He was marshal of the district, member of Congress, and was appointed associate Justice of the Supreme Judicial Court, in 1806, and soon after removed to Boston. Among the first acts under his new appointment, was to sit, as sole judge, in the remarkable trial of Thomas O. Selfridge, a member of the bar, for manslaughter. In this trial, Gore and Dexter were counsel for the accused. In 1814, he was promoted to the office of Chief Justice, and continued in that station till July, 1830, when he died suddenly of paralysis, at the age of 63.

Chief Justice Parker was not supposed to be a learned lawyer when he first took his seat on the bench; but he proved to be one of the ablest judges that ever sat in this court. He was naturally disinclined to labor; but he had a clear and powerful mind, and was capable of intense and rapid application. His learned and lucid judgments, produced with wonderful facility, are the best evidences of his capacity. Whether his labors, or those of Chief Justice Parsons, in the same seat, were most useful to the Commonwealth, is a point on which there may be difference of opinion. They were both eminently useful, but were, in many respects, very different men. They died at the same age, and probably Parker could not number as many hours of study, in his whole life, as Parsons could number days.

Chief Justice Parker was a man of middle stature, of full person and full face, light, or red complexion, blue eyes, and very high forehead, and remarkably bald. His manners were very simple and without pretension to polish. He was very affable, amiable and unpretending; and a most companionable and agreeable associate in private life. Perhaps no man excelled him in kind and friendly feelings. He used snuff immoderately; it affected his voice in his latter years, and may have had some

agency in producing his sudden and lamented death. For some years at the close of his life, he rose long before the dawn of day, and dressed, and took his walk of four or five miles before breakfast, whatever was the season, or the state of the weather. He certainly lived most usefully and honorably for the public, and ought, therefore, to be considered to have lived usefully for himself. He may not have thought so; for, like most other men of his profession, however eminent, he had little to bequeath as the product of laborious life, but his honorable fame.*

Samuel Dexter was a native of Boston, born in 1761. He was, (like John Jay,) of Huguenot descent,† on the maternal side, and of English on the paternal. His father was an eminent merchant, and a patron of science and literature. Mr. Dexter was educated at Harvard University, and left that seminary with high reputation. He engaged in the profession of the law, and rose rapidly in the public estimation. He became a member of the state legislature, was sent to Congress, and distinguished himself honorably in both branches. Mr. John Adams appointed him secretary of war, and then secretary of the treasury, which latter office he held when Mr. Jefferson became President. He performed the duties of these two offices with great ability. When Jefferson came in, he withdrew from public employment and resumed his profession. He continued in this vocation to the close of his life, which event occurred (from sudden disease of the throat), while on a visit to

* The Chief Justice was a man of the simplest habits of life. He happened to have taken a servant on the very day of an evening when he was to receive a society of his professional brethren. This servant had left a family in which it was the usage to *announce* visitors, a practice unknown in the Judge's house. The two first who came were asked at the door for their names, and amused with the Judge's new style, one of them answered, John Doe and Richard Roe. The servant threw open the door and announced, "Mr. John Doe, Mr. Richard Roe." The Chief Justice came forward with his usual good nature, and extending his hand, said, "Gentlemen, I have read of you and heard of you all my life, but I had despaired of making a personal acquaintance." He ordered his servant to forego his gentility in future.

† See page 91.

the interior of the state of New York, May 4th, 1816, when he was in his fifty-fifth year.

It will be observed, that Mr. Dexter had filled the various places which have been mentioned, before he was *forty* years of age; and in a manner which proved, that he well deserved all the confidence and honor which had been offered and accepted. Associated with Mr. Adams, it would have been surprising if Jefferson, Freneau, Bache, Duane, Callender, and other like guardians of the public welfare, had not noticed him. They availed themselves of an unfortunate accident, to aid them in their patriotic purpose of demolishing federal character. In the new and unprepared state of the city of Washington to be the seat of government, a building was hired for the use of the secretary. The adjoining building took fire, in consequence of which the office of the secretary, with many papers belonging to it, were burnt. It was an opportunity not to be lost by this company of public guardians. Accordingly, Mr. Dexter was charged with peculation, and with the wilful burning of his office, books and papers, to conceal it.

Notwithstanding Mr. Dexter's attention had been so much abstracted from his profession, he resumed his place at the bar, as though he had not been absent from it; and was at once in full practice in all the courts which he chose to attend. His prefessional reputation was sufficiently high to call him annually to the Supreme Court at Washington, during the rest of his life. In this forum he met, among others, William Pinkney, Robert G. Harper, and Thomas Addis Emmet, who were glad of his aid as an associate, and who knew what was necessary, when opposed to him. The course of the national administration occasioned many highly important litigations in this tribunal.

It is said, that Mr. Dexter had impaired his eye-sight by hard study, early in manhood. This, no doubt, was considered a misfortune, but it may not have been; for being disqualified, by this occurrence, to deal with the thoughts of others, he was compelled to find thoughts for himself. He may thus have acquired a fa-

cility in that very difficult exercise of the mind, *voluntary thinking*. His manhood may be considered to have been one long process of meditation, reluctantly interrupted by business and sleep. He had no relaxation, and knew nothing of what are called amusements. He sat and thought; or, more commonly, paced his room; or, at least, so it was said of him. However this may have been, Mr. Dexter depended very little on books, and less on his pen, in preparing or delivering his elaborate arguments. He possessed himself of facts, and then resorted to his own contemplations *to find the law*, when the particular case did not turn on technical distinctions.*

Mr. Dexter rarely had a brief; and never larger than a quarter of a sheet of letter paper, and seldom took notes, unless to preserve the words of a witness, or the book and page of an authority. His common manner of speech was deliberate, and his thoughts were very clearly expressed; and the effect was, to command attention, whether of the judges or the jury; but it was only the eloquence of argument. In general, he stood still and erect, and used no gesticulation excepting occasionally his right arm was extended. But it was much otherwise when his case called for strong and impassioned expression, and when he was excited himself. He was capable of the strongest excitement, and sometimes rose to tremendous eloquence. Some instances are well remembered, where his own feelings were strongly interested, and then his mighty mind came forth in words, in tones and manner, that can be best comprehended by referring to that all-absorbing interest which is sometimes felt in highly wrought scenes of the drama. Mr. Pinkney is said to have prepared his

* It has been stated, by one who was intimately acquainted with the habits of Mr. Dexter, "that he never did anything with his hands he could avoid. He was an intense thinker, and would walk his drawing-room for hours, absorbed in deep meditation. His precious moments were of the early morning, when in bed. He awoke oftentimes before dawn, and would remain in bed, producing a gentle motion of the body by shaking his foot, while his mind was occupied in severe contemplation."

pathos. But these great efforts of Mr. Dexter could not have been prepared. They were the eloquence of the moment; and may have been as unexpected to himself as to his audience. Like Garrick, he may have been surprised by the unintended excelling of himself.

It is not possible to point out his *greatest* argument. That which was considered to be one of the ablest he ever made, was on the unconstitutionality of the embargo laws. This was delivered in the District Court of the United States. There was no reporter. The argument was lost except for the occasion. It is much to be regretted that this exposition of constitutional law from Mr. Dexter has not been preserved. It is believed, that no product of his mind, but official papers, professional arguments, and congressional speeches, (from the hands of reporters,) has been preserved, excepting his Eulogy on Ames. Mr. Dexter was a deep thinker; and theology was one of the subjects which engaged his attention. He was a Christian; and it was intimated, in his lifetime, that he intended a publication of his views; and had begun to write. But since his decease it is understood that he left nothing sufficiently prepared for the press.

He took an earnest part in the suppression of intemperance, and was one of the first, if not the first distinguished man, who thought it practicable. He was the first president of the first temperance society formed in Massachusetts, about the year 1813.* He had consented to deliver the first address, but was unable to do so, in consequence of being detained at Washington.

Mr. Dexter was nearly six feet in stature, of well proportioned, muscular frame. His hair was black, loose, unpowdered, and worn rather long; it came lightly over his high, expansive forehead. His face was long, his complexion dark, his eyes large and light-blue. There are men whose expression of face indicates, that they are mostly engaged with what is passing *without* them, while others show that they are occupied with what is pass-

* This is supposed to have been the first Temperance *Society* ever formed.

ing *within* them. Mr. Dexter was of the latter description; though he could observe keenly, when it was interesting to him to do so. His common and usual manner was a dignified and formal reserve, that of one who is conscious of intellectual superiority. His personal appearance indicated that he was not a man with whom liberties could be taken, or to whom familiarity could be offered. Yet, in private intercourse, and when he felt himself unrestrained, he was an agreeable and instructive associate; but he did not take much interest in what is called "company," and spent but little time in that way. Instances, however, are remembered, in which he gave full scope to social sympathies. He was a parishioner of the celebrated and lamented Buckminster, (who died June, 1812.) The distinguished men of the parish visited Mr. Buckminster on the evening of Sunday. (The same practice was observed in the time of his predecessor, Dr. Thacher, and of his predecessor, Dr. Cooper.) In these social interviews, Mr. Dexter received, as well as imparted pleasure. It is believed that he was not of that class of men who need or who desire *intimacies;* but was of the privileged few who can always be companions to themselves. Whether this course is, on the whole, the best, each one must judge for himself.

During Mr. Madison's war, Mr. Dexter separated from his federal friends; a circumstance which they exceedingly regretted. It is not known that the true causes of this separation have been explained. The separation continued to the close of his life.

LETTER LXXIV.

March 9, 1834.

There are yet among the living some men whom Mr. Jefferson included in his general denunciation, and who held a con-

spicuous rank in the first fifteen years of this century. It would be a grateful pleasure to speak of them, as men and as citizens. This would lead to a long enumeration; too long for the present purpose. It cannot be disrespectful to others to mention some who deserved well of their country in the greatest perils, and but little less serious than those experienced in the revolution. Party men they were, because none but party men could live in the days of Jefferson and Madison. But this they may say of themselves and their associates, and as the last act to be done on this side the grave, that they ever acted from purest motives; that their country had no just cause to complain that they did act, but, on the contrary, should be ever grateful to them for their resistance of ill-advised and dangerous measures.

Harrison Gray Otis was too young to have taken part in the revolution; but not to bear arms when the insurrection of 1786–87 required the services of all good citizens. He was too young to have been a member of the convention which adopted the constitution; but in 1800 he was in Congress, an opponent of Jeffersonism; and was among the embarrassed number who had to choose between Jefferson and Burr. From that time to the close of Mr. Madison's war, Mr. Otis was constantly in Congress, or in one or the other of the legislative branches of the state; and for many years at the head of one or the other. He was the orator of all popular assemblies; the guide of popular opinion in all the trying scenes of commercial restrictions, embargo and war. With a fine person and commanding eloquence, with a clear perception and patriotic purpose, he was the first among his equals, alike ready, at all times, with his pen and his tongue. What motive could this gentleman have had, to effect such purposes as Mr. Jefferson charged upon him and his associates? Disunion? He, and all rational men knew then, as they know now, that the moment the Union is broken, discord, anarchy, civil war and despotism must come. They knew then, as now, that a "northern confederacy" could be effected only by force; and if to be

effected even by consent, what hope of peace or prosperity could there be within its limits; or security from the hostile dispositions of those beyond them? It is hardly credible, that even such men as Jefferson and Madison, deluded as they were, could have so underrated the intelligence of northern men, as to have imputed to them such designs. If they knew that those imputations were false and groundless, there is no apology for having made them but this: party, disorganizing, demoralizing, tyrannical party, holds all means to be lawful, which can accomplish its purpose.

There is one man whose name does not appear in conventions, nor much in the legislative or popular assemblies, but who had, when in these, as at the bar, a fervent and commanding eloquence. But especially he had a powerful influence on public opinion through the press. The discussion of public measures during these fifteen years, by *John Lowell*,* were published without his name, in pamphlets. It is improbable that distant generations will know (if efforts to preserve civil liberty shall be worth their notice, or if they are in condition to understand its worth), how much they are indebted to Mr. Lowell. He fearlessly opposed, in masterly reasonings, the disastrous and unprincipled policy of these fifteen years. His style and manner were clear, cogent and convincing. His works were universally read, and were invaluable in correcting and enlightening public opinion. His "Madison's war," one of the most elaborate of his works, was so independent of all personal consequences which might arise, (from the performance of what he held to be his duty as a true patriotic citizen, in developing the character of national administration,) that his friends were inclined to dissuade him from publishing. This country is under the greatest obligation to him for his manly perseverance. All the evils which he prophesied were realized, short of absolute despotism; and that this was not, is to be ascribed only to the better perceptions of the

* Son of Judge Lowell.

community of impending perils, in effecting which he labored with eminent success.*

Josiah Quincy was in Congress from 1805 to 1813, and therefore present at the creating of commercial restrictions, embargo and war. He was a fearless and eloquent opponent of all those measures; and therein faithfully represented the feelings, wishes and sound judgment of his constituents. His speeches are among the best records of the character of the times. He drew up the admirable address of the minority of Congress. James A. Bayard, then in the Senate of the United States, from Delaware, examined and approved, with the serious responsibility which that statement of unquestionable truths involved. Mr. Quincy is still before the public, and it would not accord with his own perceptions, to speak of him but in allusion to historical events in former years.†

* It is believed that the following pamphlets were written by Mr. Lowell, though none of them bear his name:

1. Madison's War. 2. The Boston Rebel. 3. The Road to Peace, Commerce, Wealth and Happiness. 4. An Appeal to the People on the Causes and Consequences of a War with Great Britain. 5. Perpetual War the Policy of Mr. Madison. 6. Diplomatic Policy of Mr. Madison unveiled. 7. Analysis of the Correspondence between our administration and Great Britain and France. 8. An Essay on the Rights and Duties of Nations relative to Fugitives from Justice; considered with reference to the affair of the Chesapeake. These productions were republished in the several states, were applauded by all discerning and honest men, and obtained for their author distinguished fame.

† Among the speeches preserved of Mr. Quincy, are the following:

1806. On fortifying the ports and harbors of the United States.
1808. On the first resolution of the committee of foreign relations.
" On foreign relations.
" On the resolution to raise 50,000 volunteers.
1809. On the bill for holding an extra session of Congress.
1810. On the resolution of Congress, approving the conduct of the Executive towards Francis J. Jackson, (British minister.)
1811. On the bill to admit the territory of New Orleans, as a state, into the Union.
" On the influence of place and patronage.
" On the non-intercourse law.
1812. On maritime protection.

Artemas Ward (now Chief Justice of the Common Pleas)* was the worthy successor of Mr. Quincy. He was present at the trying scenes, which occurred in the latter time of the war, in the House of Representatives. The speeches of this gentleman were grateful to his constituents, as they showed him to be most diligent and faithful in maintaining their constitutional rights, and in resisting the dangerous encroachments of power.

James Lloyd was a senator from Massachusetts in these days. He was a gentleman of liberal education, and an eminent merchant. He distinguished himself very honorably in the Senate, in many speeches; comprising not only the intelligence of a statesman, but a practical knowledge in commerce, which was much more rare in the assembly which he addressed. Mr. Lloyd demonstrated the folly of the embargo in the clearest manner.

[It was intended to have described the eminent men, who were in Congress during the war, and to have shown what part they respectively took in the affairs of the country. But many of them are still living, and this discussion may be left to a more distant day from these scenes, and to a better delineator.]

1812. On the pay of non-commissioned officers.

" On the relief of merchants from penalties incurredon importations of British goods.

1813. On raising an additional military force.

These speeches (among others) will attract the notice of some future historian, who desires to know the true character of the times. There were very able men, in those days, in both branches, who did their duty. Though the country is deeply indebted to Mr. Quincy, he owes one debt to it, which he is very able, and it is to be hoped, equally willing to pay. He must have the materials on hand, for an accurate and just history of the eventful times, in which he was a public man. He is already known as an historian, and the time has already come in which he might put forth his knowledge of men and things.

* Since deceased.

LETTER LXXV.

March 20, 1834.

If, in attempting to show the dangers to which republics are liable, under the dominion of PARTY RULERS; or if, in attempting to weigh the worth of *Thomas Jefferson's* evidence against a numerous class of his fellow-citizens, any malignant or unworthy feeling has been displayed, the writer is unconscious of it. Towards Mr. Jefferson, Mr. Madison, and their political associates, he is influenced by no vindictive or unkind impulse. He readily admits, that the Jeffersonian party may have believed they were governed by good motives; but then he insists, that, good as their motives may have been, their acts were dangerous to civil liberty, and the effect of them ruinous to the country. The people did not intend, when they established their government, nor can any citizen, who is worthy to live under it, desire, that all its powers and purposes should be perverted to the use and benefit of a few men, who are ingenious enough to obtain the control.

It is well known from history, and from the very nature of man, that when such control is obtained, that is, whenever rulers assume to have power for their own use and emolument, and not for the good of the nation, usurpation must follow. One usurpation introduces another. No usurper, (as in case of our "republican" friend Napoleon,) computes from the original starting point, but always from the one last arrived at. Thomas Jefferson, and his selected friends, prescribed to themselves the patriotic labor of demolishing federalism and federalists; then, the acquisition of power for themselves; then, the most effectual means of keeping it; then, the most certain means of strengthening it, to the exclusive use of party; and finally, the substitution of mere party

will for the laws and the constitution itself.* In all this "the people" were called on to rejoice and applaud. All was done in the name of *the people* and in the name of liberty. There is nothing new in all this. It is only the common course of usurpation, which naturally tends to self-defending despotism, and ending in bloody tragedy, so often seen in the history of nations. Man is man's enemy, and the only creature of the earth who is the enemy of his own species. He will ever be so, until refined by that morality which Mr. Jefferson did not promote, and chastened by that religion which he attempted to discredit.

Every rational man in the United States, of whatsoever party he now is, or may have been, must admit the abstract truth, that government, in a republic, is a guardianship instituted by the people, to prevent them from doing wrong to themselves and to each other; and to secure the enjoyment of whatsoever good is allowed by the Creator to human life. Whether this guardianship has been well or ill conducted, at any time, does not depend on what the selected guardians are pleased to say of their own acts, but upon the good or evil which they have done in the exercise of their trust.

Thus, it does not depend on presidential messages, on congressional speeches, on the making of laws, on the execution of them, nor on the exercise of executive discretion, nor on the applause of venal presses, whether the trust has been righteously performed or not; but on the effect produced on those for whom that trust was undertaken.

What GOOD can be done, when this public trust, in such a government as ours, is wisely and honestly executed? It can protect industry, property, and personal liberty. It can administer equal and exact justice to all men. It can prevent, or repel foreign aggression. It can keep peace at home. It can secure

* It is well remembered, that one man, whose shoulders Mr. Madison adorned with epaulettes, is reported to have said, that if he could be permitted to use a guillotine in State Street, for a single hour, he would effectually silence opposition!

to every one the right to do, or not to do all things, consistently with the rules intended for the government of all.

What EVIL can be done, when this trust is perversely and dishonestly executed? It can corrupt the ignorant and the deceived. It can call into energetic action the very worst of human passions and cravings. It can hush conscience. It can substitute the will of a faction for the law of the land. It can shackle industry, and stop the circulation of the life-blood of the social state. It can lay excessive burdens on the people, destroy life in domestic tumults, or waste the strength, the spirit, and the wealth of a nation in war. It can palsy the hand, and close the lips by terror. All this it can do, and do it in the name of the people, of liberty, and the constitution.

It is not asked of those who are now alive, but of the posterity to which Mr. Jefferson appeals, which of these things were done in the days of Washington and Adams—which of them were done in the days of Jefferson and Madison?

It is to be hoped that the day is yet far off, when there will be an American President who will be insensible to the inquisition of history. Andrew Jackson may be an exception, as he is a sort of *lusus reipublicæ*, held by no rules or laws, and who honestly believes his sycophants, that he was "*born to command.*" A proposition, this, which he has spared no pains, and has halted at no legal or constitutional obstacle to verify. With a head and heart not better than Thomas Jefferson had, but free from the inconvenience of that gentleman's constitutional timidity, and familiar with the sword, he has disclosed the real purpose of the American people in fighting the battles of the revolution, and in establishing a National Republic, viz.: THAT THE WILL OF ANDREW JACKSON SHALL BE THE LAW AND ONLY LAW OF THE REPUBLIC!

Are the people of the United States so far gone in despotism, that they MUST *submit;* or can they in any, and in what way, wrest their constitution, their personal freedom, their honorable fame, the last hope of civil liberty from the grasp of usurpers?

They have a formidable adversary to contend with. There is the President, the Vice President, the cabinet proper, "the cabinet improper,"* a minority of the Senate, a majority of the House, (and SUCH a majority!) the whole host of postmasters, mail-contractors, revenue officers, district attorneys and marshals, agents, sub-agents, clerks and dependents; in short, all who are IN, by direct, or circuitous executive patronage. Then there are the daring and flagitious presses, that speak to millions, who hear no voice but that which they utter. To this well-intrenched and strongly fortified camp, add the power obtained by the forcible seizure of the whole of the revenues of the United States, to be applied in maintaining this terrible combination. But that, which is astounding and ludicrous at the same moment, is, that this army of patriots announce and maintain, that *the people know*, UNDERSTAND, *and approve of all their doings!* No doubt, these patriots are sincere and honest. No doubt, they believe that this whole country, its people, its institutions, the products of the "sweat of the brow," do of right belong to them, because they have no other sense of right than the will and power to command them. In a less enlightened state of the world than the present, the only obstacle was the physical force to be encountered; if this could be subdued, terror easily held in subjection a broken spirit. There are terrible examples of such truths, in the forty-seven years next preceding the establishment of Augustus Cæsar on the ruins of the Roman republic. We have seen the same thing in these times in the "republican Emperor." Man has not changed his nature in America. If he is here more intelligent than those who have been, his craving ambition has partaken of the progress of improvement. Its arts do not rely on *force*, but they are the more dangerous, since they are more adroit and cunning.

Our republic will endure many years more, because our citizens will avail themselves of the right of suffrage, when they can be

* Webster's Speech at Worcester, October, 1832.

sufficiently awakened to impending perils. When this remedy fails to produce the necessary changes, it will only aid in transferring us to despotism. How is this country to escape the *Jeffersonian vice* of electing partisans? No doubt every President must be elected by a party; but if he prove himself to be a partisan in office, *he is a tyrant at heart*, and is no more worthy of the confidence of those who voted for him, than of those who voted against him.

At this day, (March 10, 1834,) there is not the least doubt, that a large majority of the American people are disgusted and astonished by the usurpations of Andrew Jackson; and by the dominion which irresponsible individuals have obtained over his *official* will. If this majority (who are sound *constitutionalists*), were as united in their remedy as they are in reprobating the wrong, the course to be pursued would be plain and easy. It is naturally to be expected, that in a republic so extensive as that of the United States, and in which there are eminent men better known within the limits of their personal action than they can be all over the Union, there will be decided preferences; and such as may not be easily relinquished. But may it not be expected, when the whole country is in peril and struggling to escape from the grasp of despotism, that all minor considerations will be yielded? May it not be expected from the eminent men who may be considered as candidates, that they will prefer the security and happiness of their country to themselves? Such men, surely, will not permit disunion among themselves to constitute successful strength in their common adversary. The condition of the country seriously calls on such men to make some sacrifices. The *constitutionalists*, no doubt, would hold the concessions of honorable ambition on this occasion, as the highest proof of magnanimity.

By such devotion to the true interests of the country among parties, and their preferred citizens, the American people may entertain the hope, that the suffrages of any abused and indignant community will unite, in some high-minded, virtuous, and trust-

worthy person, who may be able to bless this country with an administration like that of WASHINGTON. They can have but one requisition to make, as the condition of their suffrage, that he will put *his* VETO *to the reign of party, and will be the President of the United States.*

To the YOUNG MEN of the country, into whose hands these pages may chance to come, it may not be obtrusive to offer a word of counsel. Youthful aspiration naturally looks to the offices of the republic; and this is proper, when motives are pure, and intelligence competent. But if it be one's self only that is cared for, there are abundant proofs, that this is the last country on earth, in which *elective* office should be desired, and the very best, (when well governed,) in which to hold one's own office, and adhere to one's own place of business. One could easily make a long list of *paupers*, who were such from having sought and obtained high places. Patriots and their countrymen estimate public services very differently; and if one labors for any other reward than the consciousness of performing duties, he must contract with the grave to spare him the sense of hearing. Americans are munificent in eulogies of the departed. These do no evil but that of misrepresenting historical truth; and nothing is hazarded in praising the dead, who are no longer aspirants for place and power. Such considerations absolve no man from the duties of a citizen. It is the first of political duties to be a consistent, intelligent, constitutional republican. If one has no desire for office, still it is his duty to hold up to rulers, that they will be justly but severely judged of. The more one studies the institutions of his country, state and national, and the more he compares them with those of any other countries, ancient or modern, the more will he be convinced, that they deserve his best exertions to preserve and perpetuate them. Every young man, who is worthy of living under such glorious institutions, should form and maintain opinions; not such as spring up in the hot-bed of party excitement; not such as begin and end, in getting this man *in*, and keeping that man *out;* but his opinions should rise on the

broad and firm basis of constitutional right. What is it, in fact, to nine hundred and ninety-nine men in every thousand, who is the Governor of a state, or the President of the United States, so that he is an able, virtuous, and conscientious man, and disdains the influence of corrupting party?

There is one solemn truth, which all young men, who wish to live in pure republican government, must keep in mind, viz.: That everything, which the Creator has given for man's security and happiness, comes with an inseparable condition, that he shall bestow his care upon it, to keep it in a proper state to impart the benefit for which it was designed. This truth is apparent to every one who considers his person, his heart, his mind, his worldly possessions. This truth is not less applicable to political government, (the very thing of all others most easily perverted,) with which all that can be called good is necessarily connected. The duty of preservation and proper use is given, by election, (but not for their exclusive use and benefit,) to rulers. Constituents are faithless to themselves, and must and will suffer the consequences of perfidy, if they permit rulers to separate themselves, and set up an exclusive dominion *in their own right.*

The continually besetting danger lies in the cupidity and ambition of a class of men, who understand the art of separating mere numbers from intelligence and property. They do this by instilling into these numbers a belief, that they have a separate interest from all others in the community. This is a profitable field to cultivate, because it is manured with all the perversions of which human nature is capable. There never has been in the world any community, in which it was so entirely false, that the members of it have separate and distinct interests. On the contrary, no community ever existed, in which the welfare of each one so entirely depended on the welfare of all. There can be nothing more false, flagitious and wicked, than to inculcate, that the rich and the poor have separate interests, as fellow-citizens. They must suffer and enjoy together, in measures which affect the whole of society. The most astute ingenuity cannot

point out a case in which a man can use property, *by law*, beneficially to himself, and injuriously to others. If he use property injuriously to others, *against law*, there is law enough to stop him. Suppose there were no men who were able to build railroads, undertake voyages, build houses, carry on manufacturing, &c., what would become of those who must be employed, or starve? The proportion between laborers and employment in this country is, and long must be such, that those who have labor to exchange for wages, must rather have the advantage, and to a most extraordinary degree, compared with any other country on the globe. That which the young citizens owe it to themselves and to their country to do is, to examine rationally and dutifully into these popular delusions; and not to permit interested, or ignorant partisans to defraud them of their republican inheritance, by exciting one class of citizens against another.

The preservation of the *Union* is *implied* in supporting and preserving the constitution. The writer, readily admitting to all men the same independence in matters of opinion, which he claims to exercise for himself, is sincerely convinced, that some of the best intended measures now going on in the New England states, will do more towards breaking up the Union, than all that "Anglomen, monarchists, and traitors" could have done, if all which Mr. Jefferson said of them were as true as he wished to have it believed to be. Whatever philanthropists and Christians may say and feel, as to the abolition of slavery, and however sound they may be in their abstract notions, this is a subject in which those dwelling in non-slaveholding states have not the right to interfere, but are positively forbidden to do so, by the constitution and laws. All-sufficient as these difficulties may be to arrest one's progress, these reformers overlook the fact, that their measures can do no possible good, while they are sure to effect the most serious evil—evil, which will be felt by irritated reaction, on all the most precious interests of the East and the North. This policy, if pursued, will inevitably conclude in the

separation of the Union; and then an Andrew Jackson may be a blessing.

As to remedies for the afflictions and degradations which our republic is now suffering, it is nearly three years before there can be any relief in the executive department. In this space of time the people must suffer and mourn. But in affliction there is wisdom; for in affliction men *consider*. Already, the true principles of our institutions attract deserved attention.

Our citizens are reflecting on their duties to themselves, to each other, and to successors. Everything is to be hoped from this state of things. To the good sense of the people only can we look for the salvation of the republic. If this fail, the American people will have proved, what European theorists have always said they would, that mankind, under the most favorable circumstances, are incapable of self-government; and, that it is the ordained destiny of men, to waste themselves in vindictive and bloody factions, till they welcome despotism as the only chance for repose.

APPENDIX,

CONTAINING

I. *John Jay's Letter to Richard Peters on Washington's Farewell Address.*

II. *The Evidence published by James A. Bayard's sons in refutation of Mr. Jefferson's calumny.*

III. *Mr. Walsh on French Conscription:—Extract from his Work.*

APPENDIX.

WASHINGTON'S VALEDICTORY.

LETTER FROM THE HON. JOHN JAY TO THE HON. RICHARD PETERS.

(Referred to in Letter XXI.)

(COPY.)

Bedford, March 29th, 1811.

DEAR SIR,—I have received your letter of the 14th ult., and also the book on Plaster of Paris, which you was so obliging as to send me, and for which accept my thanks.

Your letter conveyed to me the first and only information I have received, that a copy of President Washington's Valedictory Address, has been found among the papers of General Hamilton, and in *his* handwriting; and that a certain gentleman had also a copy of it, in the *same* hand-writing.

This intelligence is unpleasant and unexpected. Had the address been one of those *official* papers, which, in the course of affairs, the Secretary of the proper department might have prepared, and the President have signed, these facts would have been unimportant; but it was a *personal* act, of choice, not of official duty, and it was so connected with other obvious considerations, as that he only could with propriety write it. In my opinion, President Washington must have been sensible of this propriety, and therefore strong evidence would be necessary to make me believe that he violated it. Whether he did or did not, is a question which naturally directs our attention to whatever affords presumptive evidence respecting it, and leads the mind into a long train of correspondent reflections. I will give you a summary of those which have occurred to me; not because I think them necessary to settle the point in question, for the sequel will show that they are not, but because the occasion invites me to take the pleasure of reviewing and bearing testimony to the merits of my departed friend.

It is to be presumed from these facts, that General Hamilton was the *real*, and the President only the *reputed* author of that address. Although they countenance such a presumption, yet I think its foundation will be found too slight and shallow, to resist that strong and full stream of counter evidence, which flows from the conduct and character of that great man; a character not blown up into transient splendor by the breath of adulation, but which, being composed of his great and memorable deeds, stands, and will forever stand, a glorious monument of human excellence.

So prone, however, is "poor human nature" to dislike and depreciate the superiority of its cotemporaries, that when these facts come to be generally known, (and generally known they will be,) many, with affected regret and hesitation, will infer and hint that Washington had less greatness of talent, and less greatness of mind, than his friends and admirers ascribed to him. Nor will the number of those be few, who, from personal or party inducements, will artfully encourage, and diligently endeavor to give currency to such imputations. On the other hand, there are men of candor and judgment, (and time will increase their number,) who, aiming only at truth, will cheerfully trace and follow its footsteps, and, on finding, will gladly embrace it. Urged by this laudable motive, they will attentively examine the history of his life; and in it they will meet with such numerous proofs of his knowledge and experience of men and things in general, and of our national affairs in particular, as to silence all doubts of his ability to conceive and express every idea in that address. A careful perusal of that history will convince them that the principles of policy which it recommends, as rules for the conduct of others, are precisely those by which he regulated his own.

There have been in the world but two systems or schools of policy; the one founded on the great principles of wisdom and rectitude, the other on cunning and its various artifices. To the first of these belonged Washington, and all the other worthies of every country who ascended to the Temple of Honor through the Temple of Virtue. The doctrines, maxims and precepts of this school have been explained and inculcated by the ablest writers, ancient and modern. In all civilized countries they are known, though often neglected; and in free states have always been publicly commended and taught; they crossed the Atlantic with our forefathers, and in our days particularly, have not only engaged the time and attention of students, but have been constantly and eloquently displayed by able men in our senates and assemblies. What reason can there be to suppose that Washington did not understand those subjects? If it be asked, what these subjects comprehend or relate to, the answer is this,—they relate to

the nature and duties of man, to his propensities and passions, his virtues and vices, his habits and prejudices, his real and relative wants and enjoyments, his capacities for social and national happiness, and the means by which, according to time, place, and other existing circumstances, it is in a greater or less degree, to be procured, preserved, and increased. From a profound investigation of these subjects, enlightened by experience, result all that knowledge, and those maxims and precepts of sound policy, which enable legislators and rulers to manage and govern public affairs wisely and justly.

By what other means than the practical use of this knowledge, could Washington have been able to lead and govern an army hastily collected from various parts, and who brought with them to the field, all the license and all the habits which they had indulged at home? Could he, by the force of orders and proclamations, have constrained them to render to him that obedience, confidence, and warm attachment which he so soon acquired, and which, throughout all vicissitudes and distresses, continued constant and undiminished to the last? By what other means, could he have been able to frustrate the designs of dark cabals, and the unceasing intrigues of envious competitors, and the arts of the opposing enemy? By what other means could he have been able, in so masterly a manner, to meet and manage all those perplexing embarrassments, which the revolutionary substitution of a new government,—which the want of that power in Congress which they had not, and of that promptitude which no deliberative body can have,—which the frequent destitution and constant uncertainty of essential supplies,—which the incompetency of individuals on whom much depended, the perfidy of others, and the mismanagement of many, could not fail to engender? We know, and history will inform posterity, that, from the first of his military career, he had to meet and encounter, and surmount, a rapid succession of formidable difficulties, even down to the time when his country was enabled, by the success of their arms, to obtain the honorable peace which terminated the war. His high and appointed course being then finished, he disdained the intimations of lawless ambition to prolong it. He disbanded the army under circumstances which required no common degree of policy or virtue; and with universal admiration and plaudits, descended, joyfully and serenely, into the shades of retirement. They who ascribe all this to the guidance and protection of Providence, do well; but let them recollect, that Providence seldom interposes in human affairs, but through the agency of human means.

When at a subsequent and alarming period, the nation found that their affairs had gone into confusion, and that clouds portending dan-

ger and distress, were rising over them in every quarter, they instituted under his auspices a more efficient government, and unanimously committed the administration of it to him. Would they have done this without the highest confidence in his political talents and wisdom? Certainly not—no novice in navigation was ever unanimously called upon to take the helm or command of a ship on the point of running aground among the breakers. This universal confidence would have proved a universal mistake, had it not been justified by the event. The unanimous opinion entertained and declared by a whole people in favor of any fellow-citizen is rarely erroneous, especially in times of alarm and calamity.

To delineate the course, and enumerate the measures which he took to arrive at success, would be to write a volume. The firmness and policy with which he overcame the obstacles placed in his way by the derangement of national affairs, by the devices of domestic demagogues and foreign agents, as well as by the deleterious influences of the French Revolution, need not be particularized. Our records, and histories, and memories, render it unnecessary. It is sufficient to say, and it can be said with truth, that his administration raised the nation out of confusion into order, out of degradation and distress into reputation and prosperity; it found us withering; it left us flourishing.

Is it to be believed that, after having thus led the nation out of a bewildered state, and guided them for many years from one degree of prosperity to another, he was not qualified, on retiring, to advise them how to proceed and go on? And what but this, is the object and the burden of his Valedictory Address? He was persuaded that, as the national welfare had been recovered and established, so it could only be preserved and prolonged by a continued and steady adherence to those principles of sound policy and impartial justice, which had invariably directed his administration.

Although the knowledge of them had been spread and scattered among the people, here a little and there a little, yet, being desirous to mark even the last day of his public life by some act of public utility, he addressed and presented them to his fellow-citizens in points of light so clear and strong, as to make deep impressions on the public mind. These last parental admonitions of this Father of his country, were gratefully received and universally admired; but the experience of ages informs us, that it is less difficult to give good advice than to prevail on men to follow it.

Such, and so obvious, is the force of the preceding considerations, as to render doubts of the President's ability to give the advice contained in the address, too absurd to have many serious advocates.

But it would not surprise me, if certain classical gentlemen, associating the facts you mention with the style and fashion of the address, should intimate that his ability to compose it substantially in his mind, does not prove that he was also capable of communicating his advice in a paper so well written. Let these gentlemen recollect the classical maxim which they learned at school:

"Scribendi recte, sapere est, et principium, et fons."

They may also be referred to another classical maxim, which teaches us, that they who well understand their subject, will be at no loss for words:

"Verbaque provisiam rem non invita sequentur."

But his ability to write well need not be proved by the application of maxims; it is established by facts.

We are told to judge of a tree by its fruit; let us in like manner judge of his pen by its performances. Few men who have had so little leisure have written so much. His *public* letters alone are voluminous, and public opinion has done justice to their merits. Many of them have been published, and they who read them will be convinced, that at the period of the address he had not to learn how to write well. But it may be remarked, that the address is more highly finished than the letters, and so it ought to be; that address was to be presented to the whole nation, and on no common occasion; it was intended for the present and future generations; it was to be read in this country and in foreign countries; and to be criticised, not only by affectionate friends and impartial judges, but also by envious and malignant enemies. It was an address which, according as it should or should not correspond with his exalted character and fame, would either justify or impeach the prevailing opinion of his talents or wisdom. Who, therefore, can wonder that he should bestow more thought and time, and pains, on that address, than on a letter?

Although in the habit of depending, ultimately, on his own judgment, yet no man was more solicitous to obtain and collect light on every question and measure on which he had to decide. He knew that authors, like parents, are not among the first to discover imperfections in their offspring, and that consideration would naturally induce him to imitate the example of those ancient and modern writers, (among whom were statesmen, generals, and even men of consular and royal dignity,) who submitted their compositions to the judgments of their friends, before they put the last hand to them. Those friends would make notes of whatever defects they observed in the draft, and of the correspondent amendments which they deemed

proper. If they found that the arrangement would be improved, they would advise certain transpositions,—if the connection between any of the relative parts was obscure, they would make it more apparent,—if a conclusion had better be left to implication than expressed, they would strike it out, and so *vice versa*, if an additional remark or allusion would give force or light to a sentiment or proposition, they would propose it,—where a sentence was too long, they would divide it,—they would correct redundancies, change words less apt for words more apt, &c. &c. &c. To correct a composition in this way is to do a friendly office, but to prepare a new one, and offer it to the author as a substitute for his own, would deserve a different appellation.

Among those to whose judgment and candor President Washington would commit such an interesting and delicate task, where is the man to be found, who would have the hardihood to say to him in substance, though in terms ever so nice and courtly—"Sir, I have examined and considered your draft of an address—it will not do—it is really good for nothing; but, sir, I have taken the trouble to write a proper one for you, and I now make you a present of it. I advise you to adopt it, and to pass it on the world as your own; the cheat will never be discovered, for you may depend on my secrecy. Sir, I have inserted in it a paragraph that will give the public a good opinion of your modesty. I will read it to you; it is in these words.

"'In the discharge of this trust I will only say, that I have with good intentions contributed towards the organization and administration of the government, the best exertions of which *a very fallible judgment* was capable. Not unconscious in the outset of the *inferiority* of my qualifications, experience in my own eyes, perhaps *still more*, in the eyes of *others*, has strengthened the motives to diffidence of myself.'"

If it be possible to find a man among those whom he esteemed, capable of offering to him such a present, it is impossible to believe that President Washington was the man to whom such a present would have been acceptable. They who knew President Washington, and his various endowments, qualifications and virtues, know that (aggregately considered) they formed a *tout ensemble*, which has rarely been equaled, and perhaps never excelled.

Thus much for presumptive evidence; I will now turn your attention to some that is direct.

The history (if it may be so called) of the address is not unknown to me; but as I came to the knowledge of it under implied confidence, I doubted, when I first received your letter, whether I ought to disclose it. On more mature reflection I became convinced that if President

Washington were now alive, and informed of the facts in question, he would not only authorize, but also desire me to reduce it to writing; that, when necessary, it might be used to invalidate the imputation to which those facts give color.

This consideration terminated my doubts. I do not think that a disclosure is necessary at this moment, but I fear such a moment will arrive. Whether I shall then be alive, or in capacity to give testimony, is so uncertain, that in order to avoid the risk of either, I shall now reduce it to writing, and commit it to your care and discretion, "De bene esse," as the lawyers say.

Some time before the address appeared, Colonel (afterwards General) Hamilton informed me that he had received a letter from President Washington, and with it the draft of a Farewell Address, which the President had prepared, and on which he requested our opinion. He then proposed that we should fix on a day for an interview at my house on the subject. A day was accordingly appointed, and on that day Colonel Hamilton attended. He observed to me in words to this effect, that after having read and examined the draft, it appeared to him to be susceptible of improvement; that he thought the easiest and best way was to leave the draft untouched, and in its fair state; and to write the whole over, with such amendments, alterations, and corrections, as he thought were advisable, and that he had done so; he then proposed to read it, and we proceeded deliberately to discuss and consider it, paragraph by paragraph, until the whole met with our mutual approbation. Some amendments were made during the interview, but none of much importance.

Although this business had not been hastily dispatched, yet, aware of the consequences of such a paper, I suggested the giving it a further critical examination; but he declined it, saying he was pressed for time, and was anxious to return the draft to the President without delay.

It afterwards occurred to me that a certain proposition was expresed in terms too general and unqualified; and I hinted it in a letter to the President. As the business took the course above mentioned, a recurrence to the draft was unnecessary, and it was not read. There was this advantage in the course pursued; the President's draft remained (as delicacy required) fair and not obscured by interlineations, &c. By comparing it with the paper sent with it, he would immediately observe the particular emendations and corrections that were proposed, and would find them standing in their intended places. Hence he was enabled to review, and to decide on the whole matter, with much greater clearness and facility than if he had received them

in separate and detached notes, and with detailed references to the pages and lines, where they were advised to be introduced.

With great esteem and regard, I am, dear sir, your obedient servant, JOHN JAY.

The Hon. RICHARD PETERS, Esq.

REFUTATION OF MR. JEFFERSON'S CALUMNY OF JAMES A. BAYARD.

(Referred to in Letter XXXVII.)

Wilmington, December 6, 1830.

SIR,—Our attention was first drawn to the writings of the late Thomas Jefferson, by the proceedings in the Senate of the United States, on the 28th of January last, in which a charge affecting the character of our father, the late James A. Bayard, was met and refuted.

In a subsequent part of the work, at page 521 of the same volume, there is another statement more offensive and equally groundless, which the duty we owe to the memory of a parent, would not suffer us to pass over in silence. We have, therefore, to request of your kindness the publication of the remarks in the Senate, together with the enclosed documents, which would have been sooner given to the public, but from the delay necessarily incident to procuring some of them. They relate to a transaction which forms part of the history of the country, and we feel confident that their publication is all that is requisite to protect the reputation of our father against such calumnies, let the source be what it may from which they emanate.

Respectfully, your obedient servants,

RICHARD H. BAYARD,
JAMES A. BAYARD.

Mr. Foot's Resolution.

The Senate resumed the consideration of the resolution, moved by Mr. Foot, respecting surveys of the public lands.

Mr. Benton being entitled to the floor,

Mr. Clayton said, that he desired the permission of the Senator from Missouri, (Mr. Benton,) who was entitled to the floor, to call the

attention of two of the honorable members of this body, Mr. Smith of Maryland, and Mr. Livingston of Louisiana, to a passage in a book, which had been cited in this debate by the Senator from South Carolina, (Mr. Hayne,) as authority on another subject. He did not rise for the purpose of discussing the resolution itself. In the wide range of the debate here, the north-eastern and southern sections of the country had been arrayed against each other. He listened to the discussion without any intention of participating in it, while the state, which he had the honor in part to represent, had escaped unscathed by the controversy. Though favorable to the resolution, as a mere proposition to inquire, he felt but little interest in such contentions between the north and south; and his only desire in relation to that subject was, that the warmth of the discussion might have no tendency to alienate one portion of the country from the other. But his attention had been called by a number of members of this House, to a passage in the same book, another part of which had been referred to by the Senator from South Carolina. That passage charged an illustrious statesman, who formerly occupied the seat of a Senator here, and whose memory and fame were dear to himself, and to the people he represented, with atrocious corruption, of which he was convinced that great and good man could never have been guilty; and as the witnesses referred to in the book itself, were present and ready to give testimony to set the charge at rest, he hoped he should be pardoned for referring to the objectional passage in their presence.

[He then read from the fourth volume of Jefferson's Memoirs, page 515, (the same volume which had been brought into the Senate by General Hayne,) the following passage:]

"February the 12th, 1801. Edward Livingston '*tells me*' that Bayard applied to-day or last night, to General Samuel Smith, and represented to him the expediency of coming over to the states who vote for Burr; that there was nothing in the way of appointment which he might not command, and particularly mentioned the secretaryship of the navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas, who confirmed it to me," &c.

He then called upon the Senators from Maryland and Louisiana, referred to in this passage, to disprove the statement here made.

Mr. Smith, of Maryland, rose and said, that he had read the paragraph before he came here to-day, and was, therefore, aware of its import. He had not the most distant recollection that Mr. Bayard had ever made such a proposition to him. Mr. Bayard, said he, and myself, though politically opposed, were intimate personal friends, and he was an honorable man. Of all men Mr. Bayard would have

been the last to make such a proposition to any man; and I am confident that he had too much respect for me to have made it, under any circumstances. I never received from any man any such proposition.

Mr. Livingston of Louisiana said, that, as to the precise question which had been put to him by the Senator from Delaware, he must say, that having taxed his recollection, as far as it could go, on so remote a transaction, he had no remembrance of it.

Washington, February 6, 1830.

DEAR SIR—In reply to your letter of yesterday, just received, I have to inform you that the report of my answer in the National Intelligencer, as made in the Senate, to the question put to me by Mr. Clayton, is in substance correct, and I am

Your obedient servant,

R. H. BAYARD, Esq. S. SMITH.

In the year 1805 a suit was pending in the State of New York, instituted by Aaron Burr against James Cheetham for a libel. It is supposed to have arisen out of the Presidential election in the House of Representatives, February, 1801. Mr. Bayard was examined as a witness, in that year, on many interrogatories, the nature of which may be understood by the answers thereto, which (excepting the formal parts) were as follows: [The deposition was taken at Cheetham's motion.] "As a member of the House of Representatives I paid a visit of ceremony to the plaintiff on the fourth of March, in the year one thousand eight hundred and one, and was introduced to him. I had no acquaintance with him before that period. There was an equality of electoral votes for Mr. Jefferson and Mr. Burr, and the choice of one of them did, of consequence, devolve on the House of Representatives. The House, resolved into states, balloted for a President a number of times, the exact number is not at present in my recollection, before a choice was made. The frequency of balloting was occasioned by the preference given by the federal side of the House to Mr. Burr. With the exception of Mr. Huger of South Carolina, I recollect no federal member who did not concur in the general course of balloting for Mr. Burr. I cannot name each member. The federal members at that time composed a majority of the House, though not of the states. I know of no measures but those of argument and persuasion which were used to secure the election of Mr. Burr to the Presidency. Several gentlemen of the federal party doubted the practicability of electing Mr. Burr, and the policy of attempting it. Before the election came on, there were several meetings of the party to consider the subject. It was frequently debated, and

most of the gentlemen who had adopted a decided opinion in favor of his election, employed their influence and address to convince those who doubted of the propriety of the measure. I cannot tell whether Mr. Burr was acquainted with what passed at our meetings. But I neither knew nor heard of any letter being written to him on the subject. He never was informed, nor have I reason to believe, otherwise than inference from the open professions and public course pursued by the federal party, that he was apprised that an attempt would be made to secure his election. Mr. Burr, or any person on his behalf, never did communicate to me in writing or otherwise, nor to any other persons of which I have any knowledge, that any measures had been suggested, or would be pursued, to secure his election. Preceding the day of the election in the course of the session, the federal members of Congress had a number of general meetings, the professed and sole purpose of which was, to consider the propriety of giving their support to the election of Mr. Burr. The general sentiment of the party was strongly in his favor. Mr. Huger, I think, could not be brought to vote for him. Mr. Craik and Mr. Baer of Maryland, and myself, were those who acquiesced with the greatest difficulty and hesitation. I did not believe Mr. Burr could be elected, and thought it vain to make the attempt. But I was chiefly influenced by the current of public sentiment, which I thought it neither safe nor politic to counteract. It was, however, determined by the party, without consulting Mr. Burr, to make the experiment, whether he could be elected. Mr. Ogden never was authorized nor requested by me, nor any member of the House, to my knowledge, to call upon Mr. Burr, and to make any propositions to him of any kind or nature. I remember Mr. Ogden's being at Washington while the election was depending. I spent one or two evenings in his company, at Stiller's Hotel, in small parties, and we recalled an acquaintance of very early life, which had been suspended by a separation of eighteen or twenty years. I spent not a moment with Mr. Ogden in private. It was reported he was an agent for Mr. Burr, or it was understood that he was in possession of declarations of Mr. Burr, that he would serve as President if elected. I never questioned him on the subject. Although I considered Mr. Burr, personally, better qualified to fill the office of President than Mr. Jefferson, yet for a reason above suggested, I felt no anxiety for his election, and I presumed if Mr. Ogden came on any errand from Mr. Burr, or was desirous of making any disclosure relative to his election, he would do it without any application from me. But Mr. Ogden, or any other person, never did make any communication to me from Mr. Burr, nor do I remember having any conversation with him relative to the election. I never had any communication directly

or indirectly with Mr. Burr, in relation to his election to the Presidency. I was one of those who thought, from the beginning, that the election of Mr. Burr was not practicable. The sentiment was frequently and openly expressed. I remember it was generally said by those who wished a perseverance in the opposition to Mr. Jefferson, that several democratic states were more disposed to vote for Mr. Burr than for Mr. Jefferson; that out of complaisance to the known intention of the party, they would vote a decent length of time for Mr. Jefferson, and as soon as they could excuse themselves by the imperious situation of affairs, would give their votes for Mr. Burr, the man they really preferred. The states relied upon for this change, were New York, New Jersey, Vermont and Tennessee. I never, however, understood that any assurance to this effect came from Mr. Burr. Early in the election, it was reported that Mr. Edward Livingston, the representative of the city of New York, was the confidential agent of Mr. Burr, and that Mr. Burr had committed himself entirely to the discretion of Mr. Livingston, having agreed to adopt all his acts. I took an occasion to sound Mr. Livingston on the subject, and intimated, that having it in my power to terminate the contest, I should do so, unless he could give me some assurance that we might calculate upon a change in the votes of some of the members of his party. Mr. Livingston stated, that he felt no great concern as to the event of the election, but he disclaimed any agency from Mr. Burr's designing to co-operate in support of his election. I did reveive, in the course of the winter of eighteen hundred and one, several letters from General Hamilton upon the subject of the election, but the name of David A. Ogden is not mentioned in any of them. The general design and effect of these letters, was to persuade me to vote for Mr. Jefferson, and not for Mr. Burr. The letters contain very strong reasons, and a very earnest opinion against the election of Mr. Burr. I repeat, that I know of no means used to promote the election of Mr. Burr but persuasion. I am wholly ignorant of what the plaintiff was apprised of in relation to the election, as I had no communication with him directly or indirectly; and as to the expectation of a change of votes from Mr. Jefferson to Mr. Burr, I never knew of a better ground for it, than the opinions and calculations of a number of members."

To the interrogatory on the part of the plaintiff, the deponent answers: "Having yielded, with Messrs. Craik and Baer of Maryland, to the strong desire of the great body of the party with whom we usually acted, and agreed to vote for Mr. Burr, and those gentlemen and myself being governed by the same views and motives, we pledged ourselves to each other, to pursue the same line of conduct, and act

together. We felt that some concession was due to the judgment of a great majority of our political friends who differed from us in opinion, but we determined that no consideration should make us lose sight for a moment, of the necessity of a President being chosen. We, therefore, resolved, that as soon as it was fairly ascertained that Mr. Burr could not be elected, to give our votes to Mr. Jefferson. General Morris of Vermont, shortly after acceded to this arrangement. The result of the ballot of the states had uniformly been, eight states for Mr. Jefferson, six for Mr. Burr, and two divided. Mr. Jefferson wanted the vote of one state only; those three gentlemen belonged to the divided states; I held the vote of the state of Delaware; it was, therefore, in the power of either of us to terminate the election. Those gentlemen, knowing the strong interest of my state to have a President, and knowing the sincerity of my determination to make one, left it to me to fix the time when the opposition should cease, and to make terms, if any could be accomplished, with the friends of Mr. Jefferson. I took pains to disclose this state of things in such a manner, that it might be known to the friends of Mr. Burr, and to those gentlemen who were believed to be most disposed to change their votes in his favor. I repeatedly stated to many gentlemen with whom I was acting, that it was a vain thing to protract the election, as it had become manifest, that Mr. Burr would not assist us, and as we could do nothing without his aid. I expected under these circumstances, if there were any latent engines at work in Mr. Burr's favor, the plan of operations would be disclosed to me; but although I had the power, and threatened to terminate the election, I had not even an intimation from any friend of Mr. Burr, that it would be desirable to them to protract it. I never did discover, that Mr. Burr used the least influence to promote the object we had in view. And being completely persuaded that Mr. Burr would not co-operate with us, I determined to end the contest by voting for Mr. Jefferson. I publicly announced the intention which I designed to carry into effect the next day. In the morning of the day, there was a general meeting of the party, where it was generally admitted, that Mr. Burr could not be elected; but some thought it was better to persist in our vote and to go without a President, rather than to elect Mr. Jefferson. The greater number, however, wished the election terminated and a President made, and in the course of the day the manner was settled which was afterwards adopted to end the business.

Mr. Burr, probably, might have put an end sooner to the election by coming forward and declaring that he would not serve if chosen. But I have no reason to believe, and never did think, that he interfered,

even to the point of personal influence, to obstruct the election of Mr. Jefferson, or to promote his own.

(*The following is a letter from Mr. Bayard to General Hamilton.*)

Washington, January 7, 1801.

Dear Sir,—I have been but a few days in this city, but since my arrival have had the pleasure to receive the letter which you did me the honor to write on the 27th ult. I am fully sensible of the great importance of the subject to which it relates, and am, therefore, extremely obliged by the information you have been so good as to communicate.

It is considered, at least in the first instance, Georgia, North Carolina, Virginia, Tennessee, Kentucky, Pennsylvania, New Jersey, and New York will vote for Mr. Jefferson. It is probable, that Maryland and Vermont will be divided. It is therefore counted, that upon the first ballot, it would be possible to give to Mr. Burr six votes. It is calculated, however, and strongly insisted by some gentlemen, that a persevering opposition to Mr. Jefferson would bring over New York, New Jersey and Maryland. What is the probability relative to New York, your means enable you to form the most correct opinion. As to New Jersey and Maryland, it would depend on Mr. Lynn of the former, and Mr. Dent of the latter state.

I assure you, sir, there appears to be a strong inclination in a majority of the federal party, to support Mr. Burr. The current has already acquired considerable force, and is manifestly increasing. The vote which the representation of a state enables me to give, would decide the question in favor of Mr. Jefferson. At present I am by no means decided as to the object of preference. If the federal party should take up Mr. Burr, I ought certainly to be impressed with the most undoubting conviction, before I separated myself from them. I cannot, however, deny, that there are strong considerations which give a preference to Mr. Jefferson. The subject admits of many and very doubtful views, and before I resolve on the part I shall take, I will await the approach of the crisis which may probably bring with it circumstances decisive of the event.

The federal party meet on Friday for the purpose of forming a resolution as to their line of conduct. I have not the least doubt of their agreeing to support Burr.

Their determination will not bind me, for though it might cost me a painful struggle to disappoint the views and wishes of many gentlemen with whom I have been accustomed to act, yet the magnitude of the subject forbids the sacrifice of a strong conviction. I cannot an-

swer for the coherence of my letter, as I have undertaken to write to you from the chamber of Representatives, with an attention divided by the debate which occupies the House. I have not considered myself at liberty to show your letter to any one, though I think it would be serviceable, if you could trust my discretion in the communication of it. I am, with great consideration,

Your very obedient servant,

JAMES A. BAYARD.

TO HON. ALEXANDER HAMILTON.

(*Letter from George Baer.*)

Frederick, April 19, 1830.

RICHARD H. BAYARD, ESQ.

SIR,—In compliance with your request, I now communicate to you my recollections of the events of the Presidential election by the House of Representatives in 1801. There has been no period of our political history more misunderstood, and more grossly misrepresented. The course adopted by the federal party was one of principle, and not of faction, and I think the present a suitable occasion for explaining the views and motives, at least of those gentlemen, who, having it in their power to decide the election at any moment, were induced to protract it for a time, but ultimately to withdraw their opposition to Mr. Jefferson.

I have no hesitation in saying, that the facts stated in the deposition of your father, the late James A. Bayard, so far as they came to my knowledge, are substantially correct; and although nearly thirty years have elapsed since that eventful period, my recollection is vivid as to the principal circumstances, which, from the part I was called upon to act, were deeply graven on my memory. As soon as it was generally known that the two democratic candidates, Jefferson and Burr, had the highest and an equal number of votes, and that the election would consequently devolve on the House of Representatives, Mr. Dent, who had hitherto acted with the federal party, declared his intention to vote for Mr. Jefferson, in consequence of which determination, the vote of Maryland was divided.

It was soon ascertained that there were six individuals, the vote of any one of whom could, at any moment, decide the election. These were your father, the late James A. Bayard, who held the vote of the state of Delaware, General Morris of Vermont, who held the divided vote of that state, and Mr. Craik, Mr. Thomas, Mr. Dent and myself, who held the divided vote of Maryland. Much anxiety was shown

by the friends of Mr. Jefferson, and much ingenuity used to discover the line of conduct which would be pursued by them. Deeply impressed with the responsibility which attached to their peculiar situation, and conscious that the American people looked to them for a President, they could not rashly determine, either to surrender their constitutional discretion, or to disappoint the expectations of their fellow-citizens.

Your father, Mr. Craik, and myself, having compared ideas upon the subject, and finding that we entertained the same views and opinions, resolved to act together, and accordingly entered into a solemn and mutual pledge, that we would, in the first instance, yield to the wishes of the great majority of the party with whom we acted, and vote for Mr. Burr; but that no consideration should induce us to protract the contest beyond a reasonable period, for the purpose of ascertaining whether he could be elected. We determined that a President should be chosen, but were willing thus far to defer to the opinions of our political friends, whose preference of Mr. Burr was founded upon a belief that he was less hostile to federal men and federal measures, than Mr. Jefferson. General Morris and Mr. Dent concurred in this arrangement.

The views by which the federal party were governed were these: They held that the constitution had vested in the House of Representatives a high discretion, in a case like the present, to be exercised for the benefit of the nation; and that in the execution of this delegated power, an honest and unbiased judgment was the measure of their responsibility. They were less certain of the hostility of Mr. Burr to federal policy, than of that of Mr. Jefferson, which was known and decided. Mr. Jefferson had identified himself with, and was at the head of that party in Congress, who had opposed every measure, deemed necessary by the federalists, for putting the country in a posture of defence; such as fortifying the harbors and seaports, establishing manufactories of arms; erecting arsenals, and filling them with arms and ammunition; erecting a navy for the defence of commerce, &c. His speculative opinions were known to be hostile to the independence of the judiciary, to the financial system of the country, and to internal improvements.

All these matters the federalists believed to be intimately blended with the prosperity of the nation, and they deprecated, therefore, the elevation of a man to the head of the government, whose hostility to them was open and avowed. It was feared, too, from his prejudices against the party which supported them, that he would dismiss all public officers who differed with him in sentiment, without regard to their qualifications and honesty; but on the ground *only*, of political

character. The House of Representatives adopted certain resolutions for their government during the election, one of which was, that there should be no adjournment till it was decided.

On the 11th of February, 1801, being the day appointed by law for counting the votes of the electoral colleges, the House of Representatives proceeded in a body to the Senate Chamber, where the Vice President, in view of both Houses of Congress, opened the certificates of the electors of the different states, and as the votes were read, the tellers on the part of each house counted, and took lists of them, which being compared and delivered to him, he announced to both Houses the state of the votes; which was for Thomas Jefferson 73 votes, for Aaron Burr 73 votes, for John Adams 65 votes, for Charles C. Pinckney 64 votes, for John Jay one vote; and then declared that the greatest number, and majority of votes being equal, the choice had devolved on the House of Representatives. The members of the House then withdrew to their own chamber, and proceeded to ballot for a President. On the first ballot, it was found, that Thomas Jefferson had the votes of eight states, Aaron Burr of six states, and two were divided. As there were sixteen states, and a majority was necessary to determine the election, Mr. Jefferson wanted the vote of one state. Thus the result which had been anticipated was realized.

The balloting continued throughout that day, and the following night, at short intervals, with the same result, the 26th ballot being taken at eight o'clock on the morning of the 12th of February. The balloting continued with the same result, from day to day, till the 17th of February, without any adjournment of the House. On the previous day, (February 16th,) a consultation was held by the gentlemen I have mentioned, when, being satisfied that Mr. Burr could not be elected, as no change had taken place in his favor, and there was no evidence of any effort on the part of himself, or his personal friends, to procure his election, it was resolved to abandon the contest. This determination was made known to the federal members generally, and excited some discontent among the violent of the party, who thought it better to go without a President than to elect Mr. Jefferson. A general meeting, however, of the federal members was called, and the subject explained; when it was admitted that Mr. Burr could not be elected. A few individuals persisted in their resolution not to vote for Mr. Jefferson, but a great majority wished the election terminated, and a President chosen. Having also received assurances from a source on which we placed reliance, that our wishes with respect to certain points of federal policy in which we felt a deep interest, would be observed, in case Mr. Jefferson was elected, the opposition of Ver-

mont, Delaware, and Maryland was withdrawn; and on the 36th ballot, your father, the late James A. Bayard, put in a blank ballot, myself and my colleagues did the same, and General Morris absented himself. The South Carolina federalists also put in blank ballots. Thus terminated that memorable contest.

Previous to and pending the election, rumors were industriously circulated, and letters written to different parts of the country, charging the federalists with a design to prevent the election of a President, and to usurp the government by an act of legislative power. Great anxiety and apprehensions were created in the minds of all, and of none more than the federalists generally, who were not apprised of the determination of those gentlemen who held the power, and were resolved to terminate the contest when the proper period arrived. But neither these rumors, nor the excitement produced by them, nor the threats made by their opponents, to resist *by force*, such a measure, had the least influence on the conduct of those gentlemen. They knew the power which they possessed, and were conscious of the uprightness of their views, and of the safety and constitutional character of the course they had adopted. I was privy to all the arrangements made, and attended all the meetings of the federal party when consulting on the course to be pursued in relation to the election; and I pledge my most solemn asseveration, that no such measure was ever for a moment contemplated by that party; that no such proposition was ever made; and that if it had been, it would not only have been discouraged, but instantly put down by those gentlemen who possessed the power and were pledged to each other to elect a President before the close of the session.

I am, respectfully, sir,

Your obedient servant,

GEORGE BAER.

(*Letter from John Chew Thomas.*)

Leiperville, 4th *of* 5th *month*, 1830.

RICHARD H. BAYARD.

ESTEEMED FRIEND,—I have carefully considered the contents of thy letter of the 16th ultimo, and can fully appreciate the object in view, which appears to be the vindication of the character of thy father, James A. Bayard, in consequence of certain "injurious imputations" affecting it, contained in the writings of Jefferson, lately published, in reference to his conduct in the Presidential election of 1801. I must be excused from attempting anything like a circumstantial account of the transactions of so remote a period. The depositions

shown me by thee, which were made by thy father in 1805, and the statement recently drawn up by George Baer, (my colleague in Congress,) of the occurrences which then happened, I believe to be substantially correct; and I may add, that as a federal member of the House of Representatives, I attended the meetings of the federalists, held for consultation at that deeply interesting crisis; and know of no cause to doubt the sincerity of the professed object of the party, which was to execute the important duty devolved upon them, by exercising a constitutional discretion for the benefit of the nation, according to the dictates of their best judgment at the time. Of any project or determination, inconsistent with these views, I am utterly ignorant, as I am of any fact or circumstance which ought in the slightest degree to lessen the high respect, which, in common with the American people, I have uniformly entertained for the integrity of thy father; as well as for his pre-eminent talents, zealously devoted to the service of his country.

JNO. CHEW THOMAS.

(*Affidavit of William Jarvis.*)

I, William Jarvis, of Weathersfield, in the county of Windsor, and state of Vermont, do testify and declare, that in the friendly intercourse which took place between the late Honorable Lewis R. Morris and myself, among various other topics, politics often became the subject of conversation. In one of those conversations, the contest which took place in the House of Representatives, in the year 1801, for the election of Mr. Jefferson in preference to Mr. Burr, naming the late Honorable James A. Bayard, of Delaware, as being one; and stated that Mr. Bayard came to him, (General Morris,) and urged him to vote in favor of Mr. Jefferson, or to absent himself when the ballots of the state delegations were taken. Mr. Bayard remarking to him, that as he (Mr. Bayard) represented a federal state, he could not with propriety vote for Mr. Jefferson, but as the state of Vermont was friendly to the election of Mr. Jefferson, no objection of the kind precluded him (General Morris) from giving his vote to Mr. Jefferson, or from absenting himself from the poll. As the delegation of Vermont in Congress consisted of two members, one of whom had voted for Mr. Jefferson, and he (General Morris) had voted for Mr. Burr, the vote of the state had previously been lost, but upon the representations of Mr. Bayard, with whom General Morris said he was on terms of the most friendly intimacy, and for whose talents he entertained the highest respect, and the most entire confidence in his honor and integrity, he was induced, prior to the last ballot, to absent himself from the House, and the other member being in favor of Mr. Jef-

ferson, the vote of Vermont was accordingly given to him. After a lapse of ten or twelve years, I do not pretend to recollect the precise language of General Morris, but I am satisfied, that the preceding declaration contains the true and faithful sense of his communication to me relative to that subject.

WM. JARVIS.

Weathersfield, April 29, 1830.

Political History.

(*Letter from Judge Paine, of Vermont, to the editor of Niles' Register.*)

Williamstown, (*Vt.*) *June* 1, 1830.

DEAR SIR,—Noticing in the papers of the day, the memorandum made by the late President Jefferson, of the communication of Mr. Livingston of Louisiana, in relation to a conversation said to be held by the late Mr. Bayard, of Delaware, with General Smith of Maryland, pending the Presidential election in the House of Representatives in 1801, I determined immediately to communicate to you my knowledge of the views and sentiments of Mr. Bayard in relation to that election. But, from a reluctance to appear in the public prints at my time of life, I changed my determination. However, by the advice of friends on whose judgment I rely, I now concisely communicate to you my knowledge on that subject.

And, first, permit me to say, that probably I possess more knowledge on the subject, as it relates to Mr. Bayard, than any person now living. Mr. Bayard, as is well known, was at the time the sole representative from Delaware, and could cast the vote of the state as he thought proper. The late General Morris and Matthew Lyon were the representatives of the state of Vermont; for at that time Vermont had but two representatives. General Morris voted for Mr. Burr and Mr. Lyon for Mr. Jefferson. In consequence, the vote of Vermont was lost. At the same time, I was in the Senate, and was on intimate and confidential terms with General Morris, and had been so for many years. He held conversations with me every day during the balloting in the House of Representatives, in relation to the business before them.

General Morris was very intimate with Mr. Bayard, and in consequence of this intimacy, I became very well acquainted with the latter gentleman. And I do know that Mr. Bayard was much dissatisfied that the balloting should have been so long protracted, and that the day before the last ballot, he declared amongst his political friends, it should be brought to a close the next day. He thought that the delay would cause a dangerous excitement in the country.

The evening before the last ballot was taken, General Morris informed me, that he should not be in the House the next day, and in consequence, Mr. Jefferson would be elected. He said, he was induced to secede by the representation, and at the request of Mr. Bayard; who thought that he, General Morris, could secede with greater propriety than a person who was the only representative of a federal state, and Vermont at that time was nearly equally divided on the subject. So that I always considered Mr. Bayard as the means of Mr. Jefferson's election, and I believe he was so considered by many others.

That Mr. Bayard might have sportively said to General Smith what is attributed to him, is possible. And if so, General Smith would not, probably, remember it. But if such conversation was held, with corrupt views, for the purpose of influencing him, it is impossible he should have forgotten it. I have no belief that Mr. Bayard would seriously have made what amounts to a proposition to corrupt another. I am, with great regard,

Your obedient servant,

ELIJAH PAINE.

It appears, then, from the proceedings, that the first charge retailed in the Memoirs of Mr. Jefferson, is negatived by the testimony of those on whose authority it professes to be founded. It further appears from the deposition of Mr. Bayard, in the case of Mr. Burr and Cheetham, that he had not even a personal acquaintance with Mr. Burr, previously to the 4th of March, 1801. And from that of General Smith, in the case of Gillespie and Smith, that he, on the contrary, was on terms of intimacy with Colonel Burr, in correspondence with him from the beginning of the session until the termination of the election, and had been constituted by him his proxy to decline any contest with Mr. Jefferson. The letter addressed to him by Colonel Burr for this purpose, was dated the 16th of December, 1800, and was published in Relf's Philadelphia Gazette of the 30th of December; it was, therefore, a matter of notoriety. The calumny, therefore, involves the absurdity of an entire stranger to Colonel Burr, making an authorized proposition on his behalf, to one of his confidential friends, who had been selected for the very purpose of defeating the object alleged to be in view. It is also evident from the whole course of Mr. Bayard in reference to the election, established by his own deposition, his letter to General Hamilton, the statements of Messrs. Baer and Thomas, and the declarations of General Morris, that he had no communication whatever with Mr. Burr, and that the charge is an idle slander, which Mr. Jefferson

should have been too wise to have committed to paper, and possessed of too much propriety of feeling, to have left for posthumous publication.

The second charge, at page 521 of the fourth volume of the "Memoirs," is as follows, under date of April 15, 1806.

"I did not commit these things to writing at the time, but I do it now, because in a suit between him (Colonel Burr) and Cheetham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me, during the pending of the Presidential election in February, 1801, through General Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers for me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me; and this fact General Smith affirms at this moment."

The reply we give to this memorandum of Mr. Jefferson is, the publication of the depositions of Mr. Bayard and General Smith, in the case of Gillespie and Smith. The documents in this case were obtained from the Hon. Stephen R. Bradley, of Vermont, one of the commissioners to take the depositions of witnesses in the cause, and at the time a Senator in Congress from the state of Vermont.

It will be perceived that Mr. Jefferson, in his anxiety to arraign the statement of Mr. Bayard, has assumed the fact, that his deposition was made in the case of Mr. Burr and Cheetham, and from this groundless assumption, drawn a conclusion, that the deposition had no relation to the suit, and no other object than to calumniate him.

The unfairness and falsity of this conclusion are manifest, from the interrogatories in the case in which the deposition was made, which in truth was that of Gillespie and Smith.

The deposition of General Smith, in the same case, sworn to on the very day on which Mr. Jefferson's memorandum is dated, also shows how unwarranted is his assertion, that his denial of the facts stated in the deposition of Mr. Bayard is affirmed by that gentleman. It will be seen, on the contrary, that the deposition of Mr. Bayard is substantially and fully confirmed by that of General Smith.

The charge of calumny may, therefore, be retorted upon Mr. Jefferson. The deposition of Mr. Bayard was made during the lifetime of all the parties connected with the matters detailed in it, and before commissioners opposed to him in political principles, and members of the same party with Mr. Jefferson. The memorandum of Mr. Jefferson was secluded among his private papers till long after the death of Mr. Bayard, and left for posthumous publication, to tarnish his re-

putation, when the means of refuting it might have been lost. Those means, however, have been preserved, and the object of the memorandum, as far as relates to Mr. Bayard, is, we believe, entirely defeated; with what benefit to the reputation of Mr. Jefferson, is left to others to determine.

Deposition of the Hon. James A. Bayard.

(*James Gillespie, plaintiff, and Abraham Smith, defendant.*)

I was personally acquainted with Thomas Jefferson before he became President of the United States; the precise length of time I do not recollect. The acquaintance did not extend beyond the common salutation upon meeting, and accidental conversation upon such meetings.

The electoral votes for Thomas Jefferson and Aaron Burr, for President of the United States, were equal, so that the choice of one of them, as President, devolved on the House of Representatives.

Messrs. Baer and Craig, members of the House of Representatives from Maryland, and General Morris, a member of the House from Vermont, and myself, having the power to determine the votes of states, from similarity of views and opinions during the pendency of the election, made an agreement to vote together. We foresaw that a crisis was approaching, which might probably force us to separate in our votes from the party with whom we usually acted. We were determined to make a President, and the period of Mr. Adams' administration was rapidly approaching.

In determining to recede from the opposition to Mr. Jefferson, it occurred to us, that probably, instead of being obliged to surrender at discretion, we might obtain terms of capitulation. The gentlemen, whose names I have mentioned, authorized me to declare their concurrence with me upon the best terms that could be procured. The vote of either of us was sufficient to decide the choice. With a view to the end mentioned, I applied to Mr. John Nicholas, a member of the House from Virginia, who was a particular friend of Mr. Jefferson. I stated to Mr. Nicholas, that if certain points of the future administration could be understood and arranged with Mr. Jefferson, I was to say that three states would withdraw from an opposition to his election. He asked me what those points were. I answered, first, sir, the support of public credit; secondly, the maintenance of the naval system; and lastly, that subordinate public officers, employed only in the execution of details, established by law, shall not be removed from office on the ground of their political character; nor

without complaint against their conduct. I explained myself, that I considered it not only reasonable, but necessary, that offices of high discretion and confidence, should be filled by men of Mr. Jefferson's choice. I exemplified by mentioning, on the one hand, the offices of the secretaries of state, treasury, foreign ministers, &c.; and on the other, the collectors of ports, &c. Mr. Nicholas answered me, that he considered the points as very reasonable; that he was satisfied that they corresponded with the views and intentions of Mr. Jefferson, and knew him well. That he was acquainted with most of the gentlemen who would probably be about him and enjoying his confidence, in case he became President, and that if I would be satisfied with his assurance, he could solemnly declare it as his opinion, that Mr. Jefferson in his administration would not depart from the points I had proposed. I replied to Mr. Nicholas, that I had not the least doubt of the sincerity of his declaration, and that his opinion was perfectly correct, but that I wanted an engagement, and that if the points could, in any form, be understood as conceded by Mr. Jefferson, the election should be ended, and proposed to him to consult Mr. Jefferson. This he declined, and said he could do no more than give me the assurance of his own opinion as to the sentiments and designs of Mr. Jefferson and his friends. I told him that was not sufficient; that we should not surrender without better terms. Upon this, we separated, and I shortly after met with General Smith, to whom I unfolded myself in the same manner that I had done to Mr. Nicholas. In explaining myself to him in relation to the nature of the offices alluded to, I mentioned the offices of George Latimer, collector of the port of Philadelphia, and Allen McLane, collector of Wilmington. General Smith gave me the same assurances as to the observance by Mr. Jefferson of the points which I had stated, which Mr. Nicholas had done. I told him, I should not be satisfied, nor agree to yield, till I had the assurance from Mr. Jefferson himself; but that if he would consult Mr. Jefferson, and bring the assurance from him, the election should be ended. The General made no difficulty in consulting Mr. Jefferson, and proposed giving me his answer the next morning. The next day, upon our meeting, General Smith informed me, he had seen Mr. Jefferson and stated to him the points mentioned, and was authorized by him to say, that they corresponded with his views and intentions, and that we might confide in him accordingly. The opposition of Vermont, Maryland, and Delaware was immediately withdrawn, and Mr. Jefferson was made President by the votes of ten states.

I was introduced to Mr. Burr, the day of Mr. Jefferson's inauguration as President. I had no acquaintance with him before, and very

little afterwards, till the last winter of his Vice Presidency, when I became a member of the Senate of the United States.

I do not know, nor did I ever believe, from any information I received, that Mr. Burr entered into any negotiation or agreement with any member of either party, in relation to the Presidential election, which depended before the House of Representatives.

Upon the subject of this interrogatory, I can express only a loose opinion, founded upon the conjectures of the time, of what could be effected by Mr. Burr by mortgaging the patronage of the executive. I can only say, generally, that I did believe at the time, that he had the means of making himself President. But this opinion has no other ground than conjecture, derived from a knowledge of means which existed; and, if applied, their probable operation on individual characters. In answer to the last part of the interrogatory, deponent says, I know of nothing of which Mr. Burr was apprized, which related to the election.

(Signed) J. A. BAYARD, *Washington.*

Deposition of the Hon. Samuel Smith,

(*Senator of the United States, in a cause pending in the Supreme Court of the state of New York, between Gillespie and Smith.*)

I knew Thomas Jefferson some years previous to 1800; the precise time when acquaintance commenced, I do not recollect.

I was a member of the House of Representatives of the United States, in 1800 and 1801, and knew that Thomas Jefferson and Aaron Burr had an equal number of the votes given by the electors of President and Vice President of the United States.

Presuming that this question may have reference to conversations, (for I know of no bargains or agreements,) which took place at the time of the balloting, I will relate those which I well recollect to have had with three gentlemen, separately, of the federal party. On the Wednesday preceding the termination of the election, Colonel Josiah Parker asked a conversation with me, in private. He said, that many gentlemen were desirous of putting an end to the election; that they only wanted to know what would be the conduct of Mr. Jefferson in case he should be elected President, particularly as it related to the public debt, to commerce and the navy. I had heard Mr. Jefferson converse on all those subjects lately, and informed him what I understood were the opinions of that gentleman. I lived in the house with Mr. Jefferson, and that I might be certain that what I had said was correct, I sought, and had a conversation that evening on those points;

and I presume, though I do not exactly recollect, that I communicated to him the conversation which I had had with Colonel Parker.

The next day, General Dayton, (a Senator,) after some jesting conversation, asked me to converse with him in private. We retired; he said that he, with some other gentlemen, wished to have a termination put to the pending election, but he wished to know, what were the opinions or conversations of Mr. Jefferson respecting the navy, commerce, and the public debt. In answer, I said, that I had last night had conversation with Mr. Jefferson on all those subjects. That he had told me, that any opinion he should give at this time, might be attributed to improper motives. That to me he had no hesitation in saying, that as to the public debt, he had been averse to the manner of funding it, but that he did not believe there was any man who respected his character, who would, or could think, of injuring its credit at this time. That, on commerce, he thought that a correct idea of his opinions on that subject, might be derived from his writings; and particularly, from his conduct while he was minister at Paris, when he thought he had evinced his attention to the commercial interest of his country. That he had not changed opinion, and still did consider *the prosperity of our commerce* as essential to the true interest of the nation. That, on the navy, he had fully expressed his opinion in his Notes on Virginia; that he adhered still to his ideas then given. That he believed our growing commerce would call for protection; that he had been averse to a too rapid increase of our navy; that he believed that a navy must naturally grow out of our commerce, but thought prudence would advise its increase to progress with the increase of the nation, and that in this way he was friendly to the establishment. General Dayton appeared pleased with the conversation, and (I think) said, that if this conversation had taken place earlier, much trouble might have been saved, or words to that effect.

At the funeral of Mr. Jones, of Georgia, I walked with Mr. Bayard, of Delaware. The approaching election became the subject of conversation. I recollect no part of that conversation, except his saying, that he thought that half an hour's conversation between us might settle the business. That idea was not again repeated. On the day after I had held the conversation with General Dayton, I was asked by Mr. Bayard to go into the committee room. He then stated, that he had it in his power, (and was so disposed,) to terminate the election, but he wished information as to Mr. Jefferson's opinions on certain subjects, and mentioned, (I think,) the same three points already alluded to, as asked by Colonel Parker and General Dayton, and received from me the same answer in substance, (if not in words,) that I had given to General Dayton. He added a fourth, to wit; what

would be Mr. Jefferson's conduct as to the public officers? He said, he did not mean confidential officers, but, by way of elucidating his question, he added, such as Mr. Latimer of Philadelphia, and Mr. McLane of Delaware. I answered, that I never had heard Mr. Jefferson say anything on that subject. He requested that I would inquire, and inform him the next day. I did so. And the next day (Saturday) told him, that Mr. Jefferson had said, that he did not think that such officers *ought to be dismissed on political grounds only, except in cases where they had made improper use of their offices, to force the officers under them to vote contrary to their judgment.* That, as to Mr. McLane, he had already been spoken to in his behalf by Major Eccleston, and from the character given by that gentleman, he considered him a meritorious officer, of course, that he would not be displaced, or ought not to be displaced. I further added, that Mr. Bayard might rest assured, (or words to that effect,) that Mr. Jefferson would conduct, as to those points, agreeably to the opinions I had stated as his. Mr. Bayard then said, we will give the vote on Monday, and we separated. Early in the election, my colleague, Mr. Baer, told me that we should have a President; that they would not get up without electing one or the other gentleman. Mr. Baer had voted against Mr. Jefferson until the final vote, when, I believe, he withdrew, or voted blank, but do not perfectly recollect.

I became acquainted with Colonel Burr some time in the revolutionary war.

I know of no agreement or bargain, in the years 1800 or 1801, with any person or persons whatsoever, respecting the office of President, in behalf of Aaron Burr, nor have I any reason to believe that any such existed.

I received a letter from Colonel Burr, dated, I believe, 16th December, 1800, in reply to one which I had just before written him. The letter of Colonel Burr is as follows:

"It is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me, ought to know that I would utterly disclaim all competition. Be assured, that the federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views, and insult my feelings, by a suspicion that I would submit to be instrumental in counteracting the wishes and the expectations of the people of the United States. And I now constitute you my proxy, to declare these sentiments if the occasion shall require."

I have not now that letter by me, nor any other letter from him to refer to; the preceding is taken from a printed copy which corresponds with my recollection, and which I believe to be correct. My

correspondence with him continued to the close of the election. In none of his letters to me, or to any other person, that I saw, was there anything that contradicted the sentiments contained in that letter.

(Signed) S. SMITH.

Mr. Adams having appointed Mr. Bayard minister to France, Mr. Bayard declined the appointment by the following letter.

Washington, February 19, 1801.

SIR,—I beg you to accept my thanks for the honor conferred on me, by the nomination as minister to the French Republic. Under most circumstances, I should have been extremely gratified with such an opportunity of rendering myself serviceable to the country. But the delicate situation in which the late Presidential election has placed me, forbids my exposing myself to the suspicion of having adopted, from impure motives, the line of conduct which I pursued. Representing the smallest state in the Union, without resources which could furnish the means of self-protection, I was compelled by the obligation of a sacred duty, so to act, as not to hazard the constitution upon which the political existence of the state depends.

The service which I should have to render, by accepting the appointment, would be under the administration of Mr. Jefferson, and having been in the number of those who withdrew themselves from the opposition to his election, it is impossible for me to take an office, the tenure of which would be at his pleasure.

You will, therefore, pardon me, sir, for begging you to accept my resignation of the appointment.

I have the honor to be, with perfect consideration,

Your very obedient servant,

JAMES A. BAYARD.

The PRESIDENT of the United States.

The following "extract" is from a letter written three days afterwards, to a near relation, one of the earliest and most intimate friends of Mr. Bayard. Those who knew him personally, will recognize his character in its sentiments. It contains the principles which governed his political course and ambition then, and through the rest of his life. The same which induced him to accept the mission to Ghent, and when peace was concluded, to refuse that to St. Petersburgh.

(*Extract.*)

Washington, February 22, 1801.

You are right in your conjecture as to the office offered me. I have since been nominated minister to France; concurred in, *nem. con.;* commissioned and resigned. Under proper circumstances, the acceptance would have been complete gratification; but under the existing circumstances, I thought the resignation most honorable. To have taken eighteen thousand dollars out of the public treasury, with a knowledge that no service could be rendered by me, as the French government would have waited for a man who represented the existing feelings and views of this government, would have been disgraceful.

Another consideration of great weight, arose from the part I took in the Presidential election. As I had given the turn to the election, it was impossible for me to accept an office, which would be held on the tenure of Mr. Jefferson's pleasure. My ambition shall never be gratified at the expense of a suspicion.

I shall never lose sight of the motto of the great original of our name. (Signed) J. A. B.

In conclusion we have only further to remark, that our publication has been one of defence; nor have we wandered from the charges relating to the character of our father, for the purpose of commenting upon the opinions of Mr. Jefferson, or investigating the numerous charges contained in his "Memoirs" against the federal party, or the individuals who acted among its leading members, or the states in which it maintained a majority during his administration. These, together with the general views of Mr. Jefferson on religion and government, and his character as a philosopher, statesman, or man, will be more impartially considered at a later day; more fairly weighed, and truly estimated, when those whose feelings are in any way connected with the contest, in which he was so prominent, are not to be the arbiters.

His most devoted friends cannot but regret, that the enlightened judgment and benevolent feelings, which, in his letter to Mr. Adams of June 23, 1813, dictated the sentiment that he should "see with reluctance the passions of that day rekindled in this, while so many of the actors are living, and all are too near the scene, not to participate in sympathies with them," did not look beyond the duration of his own life, and restrain the publication of much that is contained in the "Memoirs" which, whether with reference to his own fame, or

with a proper regard for the opinions, sentiments, and characters of others, sound discretion alone would certainly have prevented.

(Signed) RICHARD H. BAYARD,
JAMES A. BAYARD.

(Remarks of the author on the aforegoing evidence.)

[Is one to suppose that Mr. Jefferson was so truly mean, as to have intentionally misrepresented the facts, to uphold his own reputation, and to dishonor the fame of Mr. Bayard? Was it, also, his intention, that the wrong done by him, should come forth, when the refutation should have gone with the memories, whence only it could come? Did he mean, too, that his certificate of truth, and the certainty of the press, should furnish materials for history, knowing that they were false? Little as the sifting of Mr. Jefferson's worth inspires respect, one is not inclined to charge him with such base criminality. It is more probable, (as there has been occasion before to remark,) that Mr. Jefferson was one of those unfortunate men who had no perception of moral propriety; nor any sense of the high and honorable motives which govern *gentlemen*. There may be some allowance, too, for one who, through all his manhood, was enveloped in party mysteries, and who seems to have considered any act *right*, which would accomplish his purpose. It may well be doubted whether Mr. Jefferson could, if he would, distinguish between right and wrong in ethical philosophy, where his own interest, or that of his party, was involved. He seems to have chosen for himself the uneasy embarrassment of being always *en masque*, than which nothing can be more irksome, at any time, to an ingenuous mind.

The facts stated by Mr. Bayard and Gen. Smith, (the latter Mr. Jefferson's personal and political friend,) in flat contradiction to his own deliberate and repeated declarations, have an important bearing in another respect. Here is a case in which Mr. Jefferson's *veracity* is tested. Then suppose that the like test could be applied to all the statements of tales borne to him by Beckley and others, and even to his own declarations of the words imputed to Hamilton, Adams, Cabot, Dexter, William Smith, Harper, and many others, is it most probable that they would have been found to have uttered such words, or that Mr. Jefferson *believed* they did? What is the sentiment which fills one's mind in thus examining the *worth* of the illustrious Thomas Jefferson? Is it one of mingled contempt and indignation, or of sorrow and compassion?

The men whom Jefferson desired to make odious, will live in the respect and gratitude of his countrymen, when he, if remembered at

all, will be so only in contrast with them; and because his life was devoted to pull down and destroy the monuments of virtue and wisdom, which they gave their lives to build and preserve.]

EXTRACT FROM MR. WALSH'S LETTER ON FRENCH POWER.

Page 12. Whoever attends to the progress of French power, must be satisfied that it is not the work of chance; but, in a great degree, the result of a deliberate project for the subjugation of Europe, framed and acted upon, even before the reign of the Directory. The conclusions which an attentive consideration of this subject had led me to adopt, were sanctioned by the acknowledgment of all the actors in the scene of the revolution with whom I had occasion to converse in Paris. They drew from the history of the commonwealths of antiquity, those arts of fraud and menace, of violence and seduction, by which the latter were enabled to beguile the weakness, to ensnare the cupidity, to confound the judgment, and to overpower the fortitude of mankind. The archives of the Assyrian and Macedonian, of the Greek and Roman conquests, were, and still are, diligently searched for precedents in the art of combining cunning with force. The inveterate habits of intrigue, the vanity and ductility which have always marked the national character, are all confederated for one grand and successful experiment; that of trying whether the master-springs of human conduct are not at all times the same; whether, with a deep knowledge of the temper of the age, with a congenial spirit and augmented means, the same principles and measures, skilfully adapted to circumstances, will not give the same results.

The world has seen with how strong and steady an impetus they have urged the accomplishment of their views; and with what overwhelming rapidity of execution they have demolished the public law and the liberties of Europe. In the boldness with which they conceived, in the vigor with which they have perpetrated their criminal enterprises, in the splendor and variety of their military achievements, in the evils which they have inflicted upon the miserable victims of their power, they have far exceeded all the examples furnished by the records of antiquity. Combining the subtlety of the Roman senate and the ferocity of the Goth,—the wildest passions with the most deliberate perfidy,—discarding, both in their domestic administration and in their foreign policy, the feelings of nature, the obligations of con-

science, the ties of friendship, the sense of honor; they drenched France as well as the rest of the continent in tears and blood, and have not left even the consolation of hope, to those who examine attentively the present condition of Europe. The works of Livy and Sallust, and the commentaries of Machiavel and Montesquieu, discover the closest parallel between the French and Roman conquerors, in the structure of their military system, in the progress of their arms, and in the tenor of their deportment towards allies and enemies. I have been powerfully struck with this similitude, but I should do injustice to the memory of the Roman republic, if I instituted a comparison as to the character of the instruments by whom their conquests were achieved. The ruffian horde now preying on the carcass of Europe, bears no more analogy to "the solemn and sacred militia" of the Romans, than the convention bore to that body which Cicero has ventured to denominate, "the temple of sanctity, and the refuge of all nations."

The inferences which I drew from the above general considerations, were early confirmed in my mind, during my residence in Paris, by the most positive testimony. I heard from every man, both in and out of office, who had any intimate connection with the government, the same language of contempt and menace of the subject of the United States. The peculiar phraseology was,—"that we were a nation of fraudulent shopkeepers; British in prejudices and predilections, and equally objects of aversion to the Emperor, who had taken a fixed determination to bring us to reason in due time." It was universally understood, that our sluggishness in acceding to all his wishes; the bold strictures in which we sometimes indulge concerning his character and conduct; and the nature of our institutions; were inexpiable offences, and to be finally retributed by the full weight of his resentment. The British he hates, and dreads and respects. The people of this country he detests and despises. He detests us as the progeny of the British, and as the citizens of a free government. He despises us as a body of traders,—according to his view,—without national fame or national character; without military strength or military virtues.

If we had thrown ourselves into his arms, he might have respected us more for some decision of character; but he would not have hated us less. Our labors to steer a middle course, to moderate his violence by humble remonstrances and benevolent professions, to entice from him the alms of an oppressed and precarious refuse of trade, have only conduced to heighten his disdain and to embolden his insolence. We have squandered,—and do squander, unavailingly,—our fund of submission. Every act of humiliation is not merely superfluous, but absolutely prejudicial. There is no extravagance of disgrace which

could render him placable. A war with England might soften his tone for some time, but, as we have seen exemplified in the case of Austria and Prussia,—and shall soon see proved in that of Russia,—it would not produce an oblivion of past disgusts,—nor contract his immeasurable ambition,—nor extirpate his deeply-rooted hostility to trade and to popular institutions. When an attempt was to be made to plunge us in the same abyss of ruin which we had been assisting him to prepare for others, we should, as in the instance of Prussia, be scornfully reproached and relentlessly punished for our original neutrality,—for the symptoms of discontent or indignation which we might have shown under the yoke of his own galling amity,—for our very treachery to the cause we had abandoned in his favor, and which, as we should be told, our base fears alone prompted us to betray.

A union with France, if not even ruinous in its immediate consequences, would be an indelible stain on our annals. Our descendants would turn with disgust from the page which might record so monstrous and unnatural an alliance. I know not, indeed, how an American will feel one century hence, when, in investigating the history of the late invasion of Spain, he shall inquire what, on that occasion, was the conduct of his ancestors, the only republican people then on earth, and who claim almost an exclusive privilege to hate and to denounce every act of ruffian violence, and every form of arbitrary power. It certainly will not kindle a glow of emulation in his mind, when he shall be told, that of this unparalleled crime, an oblique notice was once taken by our administration; that the people of this country seemed to rejoice at the triumph of the invader, and frowned on the efforts of his victims.

Mr. Jefferson had it in his power, when all the horrors of this usurpation were first unfolded, to consolidate the public virtue, and, perhaps, to fix forever the destinies of this country. He could, indeed, have found justifiable causes of war, in the insults and injuries which we, ourselves, had received from France, but he should have availed himself of this event to hallow the contest in which, sooner or later, we must be engaged, and to call up a force of generous resolution, which, while it armed us with power, would have purified and invigorated our attachment to republican institutions. By entering, in the name of a free people, his solemn and indignant protest against this fatal precedent of outrage, he would at once have buoyed up the people here to a similar elevation of sentiment, and by throwing himself entirely on their magnanimity, could have wanted no better tenure for his place. Our present rulers, if they act upon a large and prospective view of our true interests, may retrieve the character of this coun-

try. They will, I am quite sure, be seconded by an entire correspondence of feeling, not only on our part, but in the people of England, whatever may be the narrow policy or the illiberal prejudices of the British ministry. It is from our rulers, however, that we expect, and, perhaps, only from them that we can receive the proper impulse. "Whenever," says Geutz, "a real interest commands, every national antipathy, though existing from the earliest times, if it only rests upon prejudice, must yield to more urgent motives; and so it doubtless will, when the guidance of nations is intrusted to the wise and great; to men who are above all narrow views, and superior to all little passions. The deliberate and decided measures of a truly enlightened government, intent upon important objects, break through the fetters of popular opinion, are supported by the wise, and carry the weak irresistibly along."

This note on the conscription laws of France, and on the operation of these laws, is made up from authentic sources, especially from Mr. Walsh's writings; and a pamphlet entitled "A Sketch of the Military System of France."*

The French Revolution placed the whole people of France under the dominion of a few terrible tyrants, who carried on their work of destruction with such atrocity, as to require new terms in their language to describe their crimes. But all their acts of confiscation and murder, were done in the name of liberty and the rights of man. These tyrants, terrified themselves at the physical power which they had raised up, and with it the thirst for action, directed attention to the *liberation* of other nations from the tyranny of their own governments. In other words, the French Republic went forth "to plant the tree of liberty," wherever they could conquer and establish their own dominion.

The whole of the male population from the age of 20 to 45, was divided into classes, and subjected to the conscription law. When the armies were to be recruited or increased, the inhabitants liable to serve were assembled; their names were deposited in an urn, and the number wanted for the occasion were drawn out. Those to whom the lot fell, were gathered into bodies of one hundred, and marched to whatsoever region they were wanted in, and there distributed one by one, so that none who came from the same canton or village, could have any communion with each other.

From this liability to serve there was no exemption; husbands, only sons, individuals whose presence was indispensable to the daily subsistence of a whole family, were equally liable. If a substitute

* By *Mr. John Howard.*

was sometimes permitted, he who furnished the substitute was answerable for his desertion and crimes; and might be liable to go himself at the next call.

Comparisons have been instituted between the military conscription of Rome and that of France. The Romans and the French had the same object, universal conquest; but the Roman militia, and the French conscription, were very different in many respects, much to the disadvantage of the Frenchman.

The Roman term of service was limited, that of the French unlimited; the moment the name was drawn from the urn, slavery for life, of the most detestable character, began. The Romans punished desertion in the person of the deserter; the French punished the deserter cruelly, if caught; if not, they held the parents answerable and punished them. The Romans exempted for personal disability to serve; the French could not make soldiers of those who were physically unable, but made them pay enough to hire another, because they were incapable themselves. The punishments of the French were most inhuman for all military delinquencies; and family connections were involved to make the miserable conscript endure his sufferings. The disconsolate wife, innocent offspring, aged and helpless parents, all their means of subsistence in the dreadful absence of their natural protector, were the sureties for his submission to the will of an unpitying despot. For him the heart-broken soldier was to engage in scenes of slaughter; and to fix him on a throne cemented with the blood of his countrymen, while every exertion of his own body and mind, served only to make himself more certainly a hopeless slave. (*See Sketch of the Military System of France.*)

Now, it was to such a people and government as the French have been described to be, that the three Presidents who succeeded the Federal administration, desired to bind our free republic. Nor only so; for be it forever remembered, that James Madison and James Monroe concurred in recommending to Congress, a still more odious *conscription* of the free citizens of the United States, than that which humbled and distressed Frenchmen, accustomed as they were from their cradles, to the natural action of despotism. Mr. Madison, and Mr. Monroe, proposed a virtual annihilation of the state and national constitutions! For, while these were respected, their propositions were as hostile to the rights of the citizens, as would have been the will of Napoleon himself.

And for *what* was this terrible aggression on the rights of free citizens? To conquer Canada! which we could not hold, if conquered; and the conquest of which would have required such a force as to

have made our whole sea-coast the territory of a vindictive, exasperated and unpitying foe!—Such is the tyranny of *party*, of which Jefferson was at the same time the founder and the patron!—And young republican Americans are called on to regard the memory and the deeds of Jefferson, Madison and Monroe, as the objects of their patriotic eulogy; and Washington, Adams, Jay, Hamilton, King, Cabot and Ames, and others, as monarchists and traitors!

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